DEBATES IN CONGRESS.

PART I. OF VOL. XII.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE TWENTY-FOURTH CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XII.

WASHINGTON:
PRINTED AND PUBLISHED BY GALES AND SEATON.

1836

0412

GALES & SEATON'S

REGISTER OF DEBATES IN CONGRESS.

TWENTY-FOURTH CONGRESS....FIRST SESSION.

FROM DECEMBER 7, 1835, TO JULY 4, 1836.

DEBATES IN THE SENATE.

LIST OF THE SENATORS.

MAINE—Ether Shepley, John Ruggles.
NEW HAMPSHIRE—Isaac Hill, Henry Hubbard.
MASSACHUSETTS—Daniel Webster, John Davis.
RHODE ISLAND—Nehemiah R. Knight, Asher Robbins.
CONNECTICUT—Nathan Smith, Gideon Tomlinson.
VERMONT—Samuel Prentiss, Benjamin Swift.
NEW YORK—Nath'l P. Tallmadge, Silas Wright, jun.
NEW JERSEY—Samuel L. Southard, Garret D. Wall.
PENNSYLVANIA—James Buchanan, Samuel McKean.
DELAWARE—John M. Clayton, Arnold Naudain.
MARYLAND—Robert H. Goldsborough, Joseph Kent.
VIRGINIA—Benjamin Watkins Leigh, John Tyler.
NORTH CAROLINA—Bedford Brown, Willie P. Mangum.
SOUTH CAROLINA—John C. Calhoun, William C. Preston.
GEORGIA—Alfred Cuthbert, John P. King.
KENTUCKY—Henry Clay, John J. Crittenden.
TENNESSEE—Felix Grundy, Hugh Lawson White.
OHIO—Thomas Ewing, Thomas Morris.
LOUISIANA—Alexander Porter, Robert C. Nicholas.
INDIANA—William Hendricks, John Tipton.
MISSISSIPPI—John Black, Robert J. Walker.
ILLINOIS—Elias K. Kane, John M. Robinson.
ALABAMA—William R. King, Gabriel P. Moore.
MISSOURI—Lewis F. Linn, Thomas H. Benton.

MONDAY, DECEMBER 7, 1835.

The first session of the 24th Congress commenced this day at the Capitol. At twelve o'clock the Senate was called to order by the VICE PRESIDENT, when it appeared that a quorum of the Senators were in attendance.

The CHAIR communicated the credentials of the Hon. JOHN C. CALHOUN, elected by the Legislature of the State of South Carolina a Senator from that State, to serve for six years from the 4th of March last;

Also the credentials of the Hon. NEHEMIAH R. KNIGHT, elected by the Legislature of the State of Rhode Island a Senator from that State, to serve for six years from the 4th of March last;

Mr. SOUTHARD presented the credentials of the Hon. GARRET D. WALL, elected by the Legislature of New Jersey a Senator from that State, to serve for six years from the 4th of March last; and

Mr. EWING presented the credentials of the Hon. JOHN DAVIS, elected by the Legislature of Massachusetts a Senator from that State, to serve for six years from the 4th of March last; all of which were read.

Mr. WHITE said that at the last session of the Legislature of the State of Tennessee he had been re-elected to the Senate of the United States for six years from the 4th of March last, but that the official information of his election was not in his possession. It had heretofore been the practice in the State of Tennessee to transmit to the presiding officer of the Senate the credentials of its Senators. But as this had not yet been done, he submitted to the Chair whether he should take his seat. During his attendance in the Senate he had frequently known such cases to occur, and that members known to be elected were suffered to take their seats before the arrival of their credentials. If any additional testimony was necessary in corroboration of his statement, there were some of his colleagues in the other House who were present when his election took place, and could vouch for the fact.

The CHAIR said that, if no objection was made, the gentleman could take his oath with the other Senators to be qualified.

The usual oath was then administered by the VICE PRESIDENT to Messrs. WHITE, HUBBARD, KING, CLAYTON, ROBINSON, and RUGGLES, whose credentials were presented at the last session; and to Messrs. WALL, KNIGHT, and DAVIS, whose credentials were just read.

Mr. PORTER reminded the Senate that at the close of the last session a committee was appointed on the subject of certain alterations in the arrangements of the Senate chamber. A report had been made by that committee, of which he held a copy in his hand; but as it had not been then acted on for want of time, and the officers of the Senate had, during the summer, made certain alterations in conformity with the resolution of the committee, it was necessary that the report should be at once considered. He accordingly moved that the Senate proceed to the consideration of the report.

The report was then taken up, considered, and agreed to, as follows:

REGULATION IN RELATION TO THE SENATE CHAMBER, THE GALLERIES, AND THE REPORTERS.

The circular gallery shall be appropriated for the accommodation of ladies, and gentlemen accompanying them.

The reporters shall be removed from the east gallery, and placed on the floor of the Senate, under the direction of the Secretary.

No person, except members of the House of Representatives, their Clerk, heads of Departments, Treasurer, Comptroller, Register, Auditors, Postmaster General, President's secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who by name have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Commissioners of the Navy Board, Governor for the time being of any State or Territory of the Union, such gentlemen as have been heads of Departments or members of either branch of the Legislature, and, at the discretion of the President of the Senate, persons who belong to Legislatures of such foreign Governments as are in amity with the United States, shall be admitted on the floor of the Senate.

Mr. **WHITE** offered the following resolutions; which were considered and agreed to.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed by the House of Representatives, to wait on the President of the United States, and inform him that Congress is assembled, and ready to receive any communication he may be pleased to make.

On motion of Mr. **GRUNDY**, the Senate ordered that the Chair appoint the committee.

And Mr. White and Mr. Knight were appointed a committee to wait on the President.

Mr. **EWING** rose and stated that he had, at the close of the last session, given notice that he should, early in the present session, ask leave to introduce a bill to settle and define the northern boundary of the State of Ohio. He gave notice that he should ask leave to introduce this bill on Monday next.

A message was received from the House of Representatives by Mr. Franklin, their Clerk, in the following terms:

Mr. President: I am directed to inform the Senate that a quorum of the House of Representatives has assembled; that James K. Polk, of Tennessee, has been elected Speaker thereof; and that it is now ready to proceed to business.

The Senate then adjourned.

TUESDAY, DECEMBER 8.

Benjamin Watkins Leigh, a Senator from Virginia; Bedford Brown, a Senator from North Carolina; William R. King, a Senator from Alabama; Henry Clay and John J. Crittenden, Senators from Kentucky, appeared.

Mr. **MANGUM** presented the credentials of Bedford Brown, of North Carolina, elected a Senator from that State for six years from the 4th of March last.

Mr. **SOUTHARD** presented the credentials of Benjamin Watkins Leigh, of Virginia, elected a Senator from that State for six years from the 4th of March last.

WILLIAM R. KING suggested that his credentials also had been issued.

These three Senators were then qualified.

Mr. **WHITE**, from the joint committee appointed to wait on the President of the United States, and to inform him that a quorum had assembled, and was ready to receive any communication he may be pleased to make, reported that the joint committee had performed that duty, and had received for answer that the President would make a communication to the two Houses this day at 12 o'clock.

A message was then received from the President of the United States, by Mr. Donelson, his secretary, which was read; and, on motion of Mr. **GRUNDY**, 5,000 extra copies of the message, and 1,500 copies of the accompanying documents, were ordered to be printed for the use of the Senate. (*See Appendix.*)

Mr. **CLAY** presented the credentials of the honorable John J. Crittenden, elected by the Legislature of Kentucky from that State, to serve for six years from the 4th of March last; which were read; and the usual oath to support the constitution of the United States was then administered to Mr. Crittenden by the Vice President.

The **VICE PRESIDENT** presented the annual report of the Secretary of the Treasury on the finances, the reading of which was dispensed with, and the usual number of copies were ordered to be printed for the use of the Senate. (*See Appendix.*)

DEATH OF MR. SMITH.

Mr. **TOMLINSON** then rose and addressed the Senate as follows:

Mr. President: It has become my painful duty to announce to the Senate the death of the honorable Nathan Smith, late a Senator from the State of Connecticut.

Arriving in this city, apparently in the full possession and exercise of all his powers, my colleague and friend interchanged the kind salutations appropriate to the occasion, with the cordiality, and frankness, and vivacity, which characterized his social intercourse, and secured the attachment and confidence of those with whom he was intimately associated. He retired to rest on Saturday evening, as far as was observed, in the enjoyment of his accustomed health and spirits. Feeling indisposed, he rose from his bed, and obtained the advice of a medical friend, who subsequently left his apartment without the slightest apprehension of a fatal result. In a short time his altered appearance caused alarm, and his friend was again called. On his return, the heart had ceased to beat, and he expired in his chair on Sunday morning, about half past one o'clock, without a struggle or a groan. Thus unexpectedly and awfully was our late associate and friend summoned from a state of probation and trial into the presence of the Divine Redeemer and Judge, in whom he devoutly professed to believe and trust. May this renewed demonstration of the solemn truth, that in the midst of life we are in death, produce its proper effect on our hearts and lives, and be instrumental in preparing us for the judgment to come and the retributions of eternity.

The afflictive event which has cast such a gloom over this body cannot fail to excite profound sensibility and regret throughout the Union, as well as in the native State of the deceased, where he has long been ranked among her most able and distinguished lawyers and statesmen. While we lament the inscrutable Providence with humble submission, it becomes us to be still, knowing that the destinies of men and nations are in the hands of an omnipotent and holy God, whose dispensations are merciful and right.

With the Senate, sir, I leave the adoption of the measures requisite to manifest its high respect for the character and memory of the deceased.

Mr. SWIFT then moved the following resolutions, which were adopted unanimously:

Resolved, That a committee be appointed to take order for superintending the funeral of the honorable Nathan Smith, which will take place to-morrow at 12 o'clock; that the Senate will attend the same; and that notice of the event be given to the House of Representatives.

[The committee under this resolution consists of Messrs. Swift, Knight, Tallmadge, Southard, and Shepley.]

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the honorable Nathan Smith, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape round the left arm.

Resolved, That, as an additional mark of respect for the memory of the honorable Nathan Smith, the Senate do now adjourn.

The Senate then adjourned.

Wednesday, December 9.

At 12 o clock the Senate assembled.

On motion of Mr. KING, of Alabama, the reading of the journal was dispensed with; and the Senate adjourned, for the purpose of performing the obsequies of the late honorable Nathan Smith, of Connecticut, deceased, in conformity with the resolutions of the Senate adopted yesterday.

The President of the United States, with the heads of the executive Departments, the Postmaster General, and the Attorney General, and the members of the House of Representatives, with their Speaker and Clerk, having been received into the Senate Chamber and taken the seats assigned them, the corpse was brought in, in charge of the committee of arrangements and pall-bearers, attended by the Sergeant-at-arms of the Senate.

Divine service was then performed by the Rev. Mr. Higbee; after which,

The funeral procession moved to the place of interment.

Thursday, December 10.

STATE OF MICHIGAN.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

Washington, *December* 9, 1835.

To the Senate and House of Representatives:

Gentlemen: By the act of the 11th of January, 1805, all that part of the Indiana Territory lying north of a line drawn due "east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence, due north, to the northern boundary of the United States," was erected into a separate Territory, by the name of Michigan.

The Territory comprised within these limits being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that, whenever any of the States into which the same should be divided should have sixty thousand free inhabitants, such State should be admitted by its delegates "into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State Government, provided the constitution and Government so to be formed shall be republican, and in conformity to the principles contained in these articles," the inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State Government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

ANDREW JACKSON.

The message having been read,

Mr. BENTON moved that it be printed, together with the accompanying documents, and that the whole subject be referred to a select committee, consisting of five members; which motion was carried; and,

On motion of Mr. MANGUM, the appointment of the committee was postponed to Monday next.

A message was also received from the President, by Mr. Donelson, his secretary, transmitting a report from the Secretary of War, showing the progress of the astronomical observations made for ascertaining the northern boundary line of the State of Ohio; which,

On motion of Mr. BENTON, was ordered to be printed, and referred to the same committee.

A message was also received from the President of the United States, transmitting a report from the Secretary of State, made in compliance with the resolution of the Senate of the 24th February last.

The CHAIR communicated sundry other documents from heads of Departments, all of which were ordered to be laid on the table and printed.

Mr. GRUNDY offered the following resolution, and asked for its immediate consideration:

Resolved, That the Senate will, on Monday next, proceed to the appointment of the standing committees.

At the suggestion of Mr. EWING, the resolution was modified by the substitution of "Tuesday" instead of "Monday."

The motion to consider the resolution to-day being objected to, the resolution, of course, lies over until Monday.

On motion of Mr. MANGUM, it was ordered, that, when the Senate adjourns, it adjourn to meet on Monday.

Mr. TOMLINSON offered the following resolution, and asked for its consideration. The motion being agreed to, the resolution was considered and agreed to.

Resolved, That the President of the Senate be requested to notify the Executive of the State of Connecticut of the death of the honorable Nathan Smith, late a Senator of the United States from that State.

MICHIGAN SENATORS.

Mr. BENTON presented the credentials of John Norvell and Lucius Lyon, elected Senators for the term of six years from the 4th of March last, from the Territory of Michigan, and moved that the courtesy of the Senate be extended to them by assigning seats to the new Senators, in the customary mode under similar circumstances, on the floor of the Senate.

Mr. EWING stated that this was a new matter, brought before the Senate for the first time this morning, and required, perhaps, some consideration. In order to afford a little time for consideration, and to examine the course of the Senate in similar circumstances, he moved, for the present, to lay the subject on the table.

The motion was agreed to.

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of executive business; and, after a short time spent therein,

The Senate adjourned.

MONDAY, DECEMBER 14.

Mr. GOLDSBOROUGH, of Maryland, appeared and took his seat.

On motion of Mr. GRUNDY, the reading of the journal was dispensed with.

DEATH OF MR. KANE.

Mr. ROBINSON rose and addressed the Senate to the following effect:

Mr. President: It is true, "in the midst of life we are in death;" and another inscrutable dispensation of Providence has given us renewed cause of painful sorrow and grief. ELIAS KENT KANE is no more! He, with whom many in this chamber have been here associated for the last ten years, has left this for "another and a better world." No eulogy is necessary to remind his associates of his many virtues and amiable traits of character; their rehearsal would but add poignancy to our loss. As his colleague, I must be indulged in saying death has taken from me a most valued friend; from his State and country an able Senator and an honest man; from his bereaved wife and orphan children the kindest of husbands, the most indulgent of parents. He died at half past one o'clock last Friday night, of a relapse of fever with which he had been afflicted previous to leaving home.

I offer for adoption these melancholy resolutions:

Resolved, That a committee be appointed to take order for superintending the funeral of the Hon. ELIAS K. KANE, which will take place this day at half past 12 o'clock; that the Senate will attend the same; and that notice of the event be given to the House of Representatives.

This resolution was unanimously adopted.

[The committee appointed under this resolution are Messrs. BENTON, CLAYTON, HENDRICKS, CRITTENDEN, and WRIGHT.]

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. ELIAS K. KANE, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape around the left arm.

This resolution was unanimously adopted.

DEATH OF MR. WILDMAN.

A message was received from the House of Representatives, by their Clerk, announcing to the Senate the adoption of certain resolutions, in consequence of the death of the Hon. Z. WILDMAN, a member of that House.

Mr. TOMLINSON then rose and stated that, in consequence of the melancholy information contained in this message, he would offer the following resolution:

Resolved, unanimously, That the members of the Senate, as a further testimony of respect for the memory of the Hon. ZALMON WILDMAN, late a member of the House of Representatives from the State of Connecticut, will go into mourning, by wearing crape around the left arm for thirty days.

The resolution was adopted.

Mr. ROBINSON then offered the following resolution, which was adopted:

Resolved, That, as an additional mark of respect for the memory of the Hon. ELIAS K. KANE, the Senate now adjourn.

The Senate then adjourned.

[The President of the United States and the heads of the Departments, the Vice President and members of the Senate, the Speaker and members of the House of Representatives, then assembled in the Senate chamber, the corpse of the deceased was brought in, in charge of the committee of arrangements, attended by the Sergeant-at-arms of the Senate; and divine service was performed by the Rev. Mr. Post; after which the funeral procession moved to the place of interment.]

TUESDAY, DECEMBER 15.

Mr. WEBSTER appeared to-day, and took his seat.

ELECTION OF OFFICERS.

The CHAIR announced that the election of the officers of the Senate was now in order; and the Senate proceeded to ballot for Secretary.

The ballots being given in, it appeared that WALTER LOWRIE was unanimously re-elected, having received the whole 36 votes given in.

Mr. LOWRIE was sworn accordingly.

The Senate proceeded to ballot for Sergeant-at-arms and Doorkeeper, when it appeared JOHN SHACKFORD was re-elected.

Mr. SHACKFORD was sworn accordingly.

The Senate proceeded to ballot for Assistant Doorkeeper, when it appeared that STEPHEN HAIGHT was re-elected.

Mr. HAIGHT was accordingly sworn.

The CHAIR laid before the Senate several communications from the Treasury Department, which were ordered to be laid on the table and printed.

ELECTION OF COMMITTEES.

The CHAIR having taken up the resolution offered by Mr. GRUNDY, on Thursday, providing for the election of the committees on Tuesday,

Mr. GRUNDY moved to insert "this day," in the room of "Tuesday;" but expressed his readiness to insert "to-morrow," if more agreeable to any gentleman.

Mr. EWING suggested that the change should be made, as there were some Senators yet to come in, who might arrive before to-morrow.

Mr. GRUNDY modified his resolution accordingly, and it was then adopted.

Mr. BENTON called up his resolution, offered on Thursday, providing for the furnishing of certain officers, therein specified, with copies of the bills and resolutions; but, at the suggestion of Mr. KING, of Alabama, it was again laid on the table.

Mr. ROBINSON offered the following resolution; which was considered and agreed to:

Resolved, That the President of the Senate be requested to notify the Executive of Illinois of the vacancy which has occurred in the Senate in consequence of the death of the Hon. ELIAS K. KANE, late a Senator from that State.

MICHIGAN.

The CHAIR called up the motion to ballot for a select committee on the subject of the Michigan claims; but, on motion of Mr. MANGUM, it was ordered that the balloting be postponed until the day after to-morrow.

MICHIGAN SENATORS.

On motion of Mr. BENTON, his motion of Thursday last, that the courtesy of the Senate be extended to the Senators from Michigan, by assigning to them seats on the floor, was taken up for consideration.

The question being about to be put,

Mr. CLAY rose and said that he was not prepared to vote for this motion. For what purpose were these gen tlemen to be admitted? Not to take part in the deliberations of the Senate generally, not for the purpose of voting. Certainly not. Why, then, were they to be admitted on the floor? If admitted, to what extent are their rights to go? Were they to be sworn in the usual form, or not? Were they to sit in the private as well as the public sessions of the Senate? If in the private sessions, under what injunctions? In short, he was entirely opposed to any action on this incidental matter, until the principal question, whether Michigan was to be admitted into the States of the Union, should be disposed of. He would not now offer any opinion on that principal question; he had not yet formed any. But why were these gentlemen to be admitted on the ground of courtesy? It must be because they have some rights, perfect or quasi, to come there as Senators of Michigan.

Putting that out of the question, there was no more reason for admitting them than any other gentlemen, when they may apply. He was opposed to the admission of the gentlemen, because it implied a right; and he was not willing to prejudge the question which the Senate would be hereafter called on to decide. It would be, to some extent, a commitment of the opinion of the Senate, and would have a tendency to mislead the public mind. He was opposed, therefore, to any thing which would seem to settle the principal question. For himself, he was ready to enter upon the discussion of that principal question, as to the admission of Michigan, as soon as any gentleman might be disposed to move it; and, whenever it should be decided, he was willing that all the consequences should follow, one of which would be the admission of the Senators on the floor, and the administering to them of the oath of a Senator. He was not for the inversion of the proceedings of the Senate, the adoption of the consequences first, and of the cause afterwards. The first question is, is Michigan to be admitted into the Union, and has she a right to send Senators? When that was decided, every thing would follow in its natural, appropriate, and legitimate order. Entertaining these views, he was compelled to oppose the motion.

Mr. BENTON, in reply, stated that he had not been curious or careful in looking for precedents for his motion, because he did not see why, on a question of mere courtesy, civility, the Senate should not rather be making than following precedents. He did not think, when a mere question of courtesy was referred to their consideration, that they were bound to suspend the action of the body until they could examine a parcel of musty records. If, in the ordinary intercourse of life, a gentleman brought to him a letter of introduction, he would ask him to take a seat. Here are gentlemen, who have brought letters, under the great seal, *de facto*, of the State of Michigan, from a person who acts as the Governor of that State, and these letters are among the archives of the State. He adverted to the case of the Rhode Island Senator, two years ago, as proving that Senators who came here had a right to hold their seats, in case of dispute, until the dispute was settled. By the report of the Committee of Elections, in that case, confirmed as it was by a large majority of the Senate, it was settled that a Senator had a right to come here as a Senator until it was shown that he had not this right. But no such thing was asked in this case. All that was asked was that gentlemen sent here by a State should be requested to take seats, and that chairs be provided for them, until it should be determined by the Senate what their precise rights were. Could there be shown any case where, in such circumstances, Senators were not asked to sit until there could be an examination of all the analogies and the nice and hair-breadth distinctions which gentlemen might choose to draw? He desired to see the Senate, on this question, unfettered by precedents, and that every question should be decided according to its own particular circumstances. He asked what difficulty had resulted from an extension of this courtesy in former cases, where seats had been assigned under similar circumstances? Was any effort made to take part in the debate, to answer on the call of the yeas and nays, to stand up and sit down when there was a count? There was no instance of the kind.

If these gentlemen are admitted, a motion to clear the galleries would induce them to go out, or the slightest hint from the Senate would be sufficient to lead them to do that which their own gentlemanly feelings would suggest, if they took the time to reflect. But it seemed to be supposed that the civility of asking the gentlemen to sit down was to commit the Senate to a particular line of conduct. He reminded the Senate of the course adopted on the admission of Missouri, in which case the Senators were admitted during the deliberations. The Senate decided against their claims, and they were sent back; but was any single Senator influenced in his vote by the fact of their presence? Not one. Did any one understand the courtesy extended to them as having any thing to do with the decision of the question? He was here himself on that occasion; and he was told by that most accomplished and amiable man who then filled the chair, Mr. Gaillard, to take a seat on the floor. He enjoyed all the incidental privileges of that seat; he franked his letters, and the two Houses paid him, from the beginning, the same as the other Senators were paid. Yet the principal question, so far from being prejudiced by this course, was determined against them. He begged to inform the Senate that, while he felt himself bound to act the part he had taken in bringing forward this motion, he, for one, should remain entirely uncommitted on the main question, and not only uncommitted, but free from any bias which would affect his course when the Senate should decide.

Mr. CLAYTON thought it was desirable that more time should be allowed for consideration; and, if the gentleman from Missouri had no objection, he would move to lay the motion on the table for the present. Without intending to commit himself in any way, there was one distinct view which he desired to present. By the constitution which Michigan had adopted, and under which she claimed the admission of her Senators, she had annexed to her territory a considerable portion of the State of Indiana, as it was laid off and recognised by Congress, when that State was admitted into the Union. The adoption of the claims of Michigan, or any measure looking to that adoption, would incline strongly against the rights of Indiana; and every principle entitling Michigan to this portion of the territory of Indiana would operate to give Wisconsin a large tract out of the State of Illinois. By the same ordinance which, according to her construction of the boundary line, gave to Michigan a part of Indiana, a strip, fifty miles in breadth, of the State of Illinois, would be cut off by Wisconsin.

He was fearful of any thing which could even touch this question at this moment, although he was willing, as to matter of politeness, to go as far as any Senator. But, while doing this, he was bound to inquire if there was not also some courtesy due to Illinois. One of her Senators was dead, and we had this day adopted a resolution to inform the Executive of the State of that event. Before we take any step to admit Michigan, according to the claims she presents, we ought to allow time for the State of Illinois to be fully represented on this floor. He had not made himself sufficiently master of all the precedents to understand whether, after they had admitted the Senators to the floor, they could have a right to exclude them again. The gentleman from Missouri had stated that, if admitted, they would be liable to be removed, and could not be entitled to sit during executive sessions. If such was the understanding of the Senator from Missouri, it ought to be so expressed in the motion. Unless the motion was thus modified, they would be as free to sit in secret session as in public. He would prefer, however, not to be called on to decide the question now. If the gentlemen could be admitted without any interference with the rights of Indiana, of Ohio, of Illinois, or of the Senate, he could have no difficulty in deciding his course. But he wished, under the circumstances, more time for deliberation, and he would move to lay the motion, for the present, on the table.

Mr. BENTON signified his assent.

Mr. KING, of Alabama, expressed a wish to call the attention of the Senator from Missouri to the phraseology of his motion. The language used is, "in the Senate." For this there was no precedent. None but Senators could sit within the bar. He had no objection to admit the gentlemen on the floor, but none within the bar. He hoped, before the motion to lay on the table was made, that the Senator would so modify the motion as to remove this objection, by saying "without the bar of the Senate." When the Senators from Missouri applied, the President of the Senate had a right to assign seats, but the Senate had now taken away this power.

The motion was then laid on the table.

Mr. PORTER, pursuant to notice, asked and obtained leave to introduce a bill to provide for the adjustment of claims to lands therein mentioned; which was read and ordered to a second reading.

The Senate then adjourned.

WEDNESDAY, DECEMBER 16.

Mr. CALHOUN and Mr. PRESTON, from South Carolina, appeared and took their seats.

STANDING COMMITTEES.

The **CHAIR** announced the business first in order, being the election of the standing committees.

The Senate proceeded to ballot for a chairman of the Committee on Foreign Relations, when Mr. CLAY was elected; the ballots being—Clay 23, King of Alabama 15, scattering 4.

The next ballot, for chairman of the Committee on Finance, resulted in the election of Mr. WEBSTER; the ballot being—Webster 25, Wright 17, scattering 1.

The next ballot, for chairman of the Committee on Commerce, resulted in the election of Mr. DAVIS; the ballot being—Davis 22, Hill 17, scattering 4.

The next ballot, for chairman of the Committee on Manufactures, resulted in the election of Mr. KNIGHT; the ballot being—Knight 22, Wall 18, scattering 3.

The next ballot, for chairman of the Committee on Agriculture, resulted in the election of Mr. BROWN; the ballot being—Brown 25, Tipton 14, scattering 4.

The next ballot, for chairman of the Committee on Military Affairs, resulted in the election of Mr. BENTON; the ballot being—Benton 29, Black 6, scattering 6.

The next ballot, for chairman of the Committee on the Militia, resulted in the election of Mr. ROBINSON; the ballot being—Robinson 36, scattering 5.

The next ballot, for chairman of the Committee on Naval Affairs, resulted in the election of Mr. SOUTHARD; the ballot being—Southard 25, Tallmadge 17, scattering 1.

The next ballot, for chairman of the Committee on Public Lands, resulted in the election of Mr. EWING; the ballot being—Ewing 24, Morris 15, scattering 3.

The next ballot, for chairman of the Committee on Private Land Claims, resulted in the election of Mr. BLACK; the ballot being—Black 25, Linn 17, scattering 1.

The next ballot, for chairman of the Committee on Indian Affairs, resulted in the election of Mr. WHITE; the ballot being—White 36, scattering 2.

The next ballot, for chairman of the Committee on Claims, resulted in the election of Mr. NAUDAIN; the ballot being—Naudain 21, Shepley 15, scattering 5.

The next ballot, for chairman of the Committee on the Judiciary, resulted in the election of Mr. CLAYTON; the ballot being—Clayton 22, Buchanan 16, scattering 3.

The next ballot, for chairman of the Committee on the Post Office and Post Roads, resulted in the election of Mr. GRUNDY; the ballot being—Grundy 25, scattering 11.

The next ballot, for chairman of the Committee on Roads and Canals, resulted in the election of Mr. HENDRICKS; the ballot being—Hendricks 39, Robinson 1.

The next ballot, for chairman of the Committee on Pensions, resulted in the election of Mr. TOMLINSON; the ballot being—Tomlinson 23, Brown 17, scattering 1.

The next ballot, for chairman of the Committee on the District of Columbia, resulted in the election of Mr. TYLER; the ballot being—Tyler 23, King of Georgia 15, scattering 1.

The next ballot, for chairman of the Committee on Revolutionary Claims, resulted in the election of Mr. MOORE; the ballot being—Moore 21, Hubbard 14, scattering 6.

The next ballot, for chairman of the Committee on the Contingent Expenses of the Senate, resulted in the election of Mr. MCKEAN; the ballot being—McKean 22, Ruggles 14, scattering 4.

The next ballot, for chairman of the Committee on Engrossed Bills, resulted in the election of Mr. SHEPLEY; the ballot being—Shepley 22, McKean 13, scattering 6.

The Senate proceeded to ballot for the remaining members of the several committees, when the following were elected:

Foreign Relations.—Messrs. King of Georgia, Tallmadge, Mangum, and Porter.

Finance.—Messrs. Cuthbert, Wright, Mangum, and Tyler.

Commerce.—Messrs. Goldsborough, Tomlinson, McKean, and Linn.

Manufactures.—Messrs. Ruggles, Morris, Prentiss, and Hendricks.

Mr. CLAY, at this stage, moved that the Senate adjourn; and,

The Senate adjourned.

THURSDAY, DECEMBER 17.

After transacting the usual morning business,

The Senate proceeded to ballot for the remainder of the standing committees, and the following is a list of them, as far as the elections of this day, in a perfect form:

On Agriculture.—Mr. Brown, chairman; Messrs. Kent, King of Alabama, Morris, Wright.

On Military Affairs.—Mr. Benton, chairman; Messrs. Wall, Preston, Goldsborough, Tipton.

On the Militia.—Mr. Robinson, chairman; Messrs. Hendricks, McKean, Swift, Wall.

On Naval Affairs.—Mr. Southard, chairman; Messrs. Tallmadge, Black, Robbins, Cuthbert.

On the Public Lands.—Mr. Ewing, chairman; Messrs. Moore, Prentiss, Crittenden, McKean.

On Private Land Claims.—Mr. Black, chairman; Messrs. Linn, Ruggles, Porter, King of Georgia.

On Indian Affairs.—Mr. White, chairman; Messrs. Tipton, Goldsborough, Swift, Brown.

On Claims.—Mr. Naudain, chairman; Messrs. Tipton, Shepley, Swift, Brown.

On the Judiciary.—Mr. Clayton, chairman; Messrs. Buchanan, Leigh, Preston, Crittenden.

On the Post Office and Post Roads.—Mr. Grundy, chairman; Messrs. Robinson, Ewing, Knight, Davis.

On Roads and Canals.—Mr. Hendricks, chairman; Messrs. McKean, Robinson, Kent, Robbins.

On Pensions.—Mr. Tomlinson, chairman; Messrs. Tallmadge, Linn, Prentiss, McKean.

On the District of Columbia.—Mr. Tyler, chairman; Messrs. Kent, Naudain, Southard, King of Alabama.

On Revolutionary Claims.—Mr. Moore, chairman; Messrs. White, Hubbard, Leigh, Shepley.

On the Contingent Expenses of the Senate.—Mr. McKean, chairman; Messrs. Tomlinson, Brown.

On Engrossed Bills.—Mr. Shepley, chairman; Messrs. Hill, Morris.

Mr. KING, of Alabama, with leave, introduced a bill for the better organization of the district court of Alabama, which was read twice, and referred to the Committee on the Judiciary.

The Senate concurred in a resolution of the House of Representatives concerning the election of chaplains; and

The Senate adjourned to Monday.

MONDAY, DECEMBER 21.

JOHN M. NILES, a Senator from Connecticut, appointed to fill the place of the late NATHAN SMITH, appeared and took his seat.

Mr. TOMLINSON presented the credentials of JOHN M. NILES, appointed by the Executive of Connecticut to fill the vacancy occasioned by the death of the honorable NATHAN SMITH.

Mr. NILES was then sworn.

SMITHSONIAN INSTITUTION.

A message was received from the President of the United States, by Mr. DONELSON, his secretary, as follows, to wit:

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, accompanying copies of certain papers relating to a bequest to the United States, by Mr. James Smithson, of London, for the purpose of founding, at Washington, an establishment, under the name of the "Smithsonian Institution," for the diffusion of knowledge among men. The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary.

ANDREW JACKSON.

WASHINGTON, *December* 17, 1835.

The message and documents were ordered to lie on the table.

SUFFERERS BY FIRE AT NEW YORK.

Mr. WEBSTER offered the following resolution, and moved its consideration at this time; which was agreed to:

Resolved, That the Committee on Finance be instructed to inquire what measures should be adopted by Congress in consequence of the destruction of merchandise and other property by the late fire in New York.

Mr. WEBSTER then offered a few observations on the circumstances and extent of the fire. There had been no example in this country of a fire of such magnitude. There was no place where the ravages of this destructive element had continued for such a period and to such an extent, or had been productive of such calamitous results, as it appeared to have raged, for so many hours, in the most crowded part of that great commercial capital. A strong expectation prevailed out of doors that Congress would do something for the relief of the sufferers. In cases of much less extensive mischief, relief had, in some form, been given by Congress. He could not take it on himself to say what relief was expected in this instance; but, as he had already said, there were already signs of strangely excited expectation that something would be done by Congress in the way of extending relief. In some former cases, he believed, there had been an extension of the time for the payment of duty bonds, and other modes might be combined with that. He was not at this moment prepared to recommend, or even to propose, any specific measure. The city of New York was represented in the other branch by gentlemen who were in the habit of constant intercourse with their constituents, and they would be best enabled to devise some mode of relief. For one, he was disposed to do all which the constitutional power of Congress would permit him to do. It might be considered as the best course, at present, to wait for some action on the part of the other House, before any report was made from the committee. But, in the mean time, they could have the subject under their consideration. He hoped the resolution would be adopted to-day, and that the public expectation would be thus far gratified.

The resolution was adopted.

NORTHERN BOUNDARY OF OHIO.

Mr. EWING, pursuant to notice, rose to ask leave to introduce a bill to define and settle the northern boundary line of the State of Ohio.

Leave being granted, Mr. EWING introduced the bill; which was read, and ordered to a second reading.

On introducing this bill, Mr. EWING addressed the Chair in the following speech:

Mr. President: I feel it due to the importance of the measure which I propose, and to public expectation and public opinion in my State, that I present, at this early stage of the proceeding, a brief summary, at least, of the question to which this bill will give rise. I feel it the more important to do so, as public opinion abroad, throughout the Union, has been assailed, and in some measure pre-occupied, with papers issuing from various quarters inimical to the proposed measure; papers in which a one-sided view of the case has been presented; and in some instances erroneous statements of public documents have, in the over-zeal of individuals to establish their favorite position, been sent abroad as a part of the political history, and of the law and truth of the case. I wish, in behalf of Ohio, that the facts as they exist may go forth to the public in such small compass, that they may be seen, examined, and understood. And I wish, by reference to documents here, and all the documents that I think bear upon the question, to lighten the labor of gentlemen who wish to examine it and form their judgment. This being my object, I shall attempt little argument, and indulge in no digression.

This bill, so far as it relates to Ohio, is the same in all its provisions with that which I have twice offered in the Senate, which has twice passed this body, and which has been twice lost among the unfinished business of the House. A few words are necessary, however, to explain the full purport of its provisions. The act of Congress of the 30th April, 1802, "authorizing the inhabitants of the eastern division of the Northwestern Territory to form a constitution and State Government," directs that the contemplated State shall be bounded "on the north by an east and west line drawn through the southerly extreme of Lake Michigan," "running east until it shall intersect Lake Erie, or the territorial line; thence, with the same, through Lake Erie, to the Pennsylvania line." Under this law the convention met, and formed the constitution of Ohio; but fearing that the mouth and estuary of an important river, which had its course within the State, would be excluded by the prescribed boundary, the convention accepted it, with a proviso which is found in the sixth section of the seventh article of the constitution, and is in the following words:

"Provided always, and it is hereby fully understood and declared by this convention, that, if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said lake east of the mouth of the Miami of the Lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of the State shall be established by, and extend to, a line running from the southerly extremity of Lake Michigan to the most northerly cape of the Miami bay," "thence, northeast, to the territorial line, and by the said territorial line to the Pennsylvania line."

Now, sir, the position of Lake Michigan is proved to be as was apprehended by the framers of the constitution of Ohio. The southerly extreme of Lake Michigan is so far south that a line drawn from it due east cuts off the mouth of the Miami of the Lake, and intersects Lake Erie many miles east of that river; and this bill copies substantially the above-recited proviso of the constitution of Ohio, and will, if it become a law, give the express assent of Congress to the boundary designated therein. The objection to the boundary named in the act of Congress is best understood by reference to a map of the country, which Senators will find upon their tables. It will be seen that the Miami of the Lake, a large and navigable river, (the largest, I believe, which flows northward into that chain of lakes,) has almost its whole course in Ohio, and its whole and entire navigable course in Ohio and Indiana, except the last eight miles, with its mouth and bay, or estuary, which is cut off by this east and west line, and thrown into another jurisdiction—that of the Territory of Michigan.

I can acquit, at once, the framers of the ordinance of 1787, and the Congress which passed the law of April 30, 1802, of the apparent neglect of the just interests of the great civil division of our country which comprises the community which those acts called into being. They had fixed, according to their belief of the geographical relations of the country, boundaries to that State which were wholly unexceptionable. The line, as they had fixed it, did, as they believed, instead of cutting off from Ohio the mouth of the Miami of the Lake, extend northward beyond the river Raisin, to the head of the lake, or rather above it, near the mouth of the Detroit river. I refer to an ancient map of the country, the same which was of the highest authority at the time of the passage of the ordinance and the act of 1802, to show what was their purpose, and what were their opinions as to this boundary. It is a singular case of an error affecting a division of land or a tract of country. It is not a mistake in the position of an object which forms part of a boundary, but the position of a very remote object, lying in an unexplored region, from which a line was to be produced in the given direction, until it should touch the Territory in question, and form the boundary.

But the difficulty will be remedied by adopting the bill which I now offer. It will give to Ohio, not all that was supposed and intended by the Congress which framed the act of 1802, but it will give her all that is important to her internal improvements and commercial interests, and all that was asked for by the framers of her constitution. And there would seem to be the most obvious propriety and policy in according it, having a due regard to the great leading features of our country in its civil divisions, if, indeed, Congress have the power to do so without the infringement of a compact, or the violation of national faith.

This measure has long been a subject of discussion. Those who oppose it contend that Congress, by the terms of the deed of cession from Virginia, by the ordinance of 1787 for the government of the territory northwest of the river Ohio, and by their own subsequent acts, have been deprived of the power of extending the boundary of either of the southern States of the Northwestern Territory, Ohio inclusive, north of an east and west line drawn through the southerly extreme of Lake Michigan. And the first and most important inquiry is, whether Congress does now possess that power. To me, indeed, it seems a question of easy solution.

At the close of the revolutionary war, Virginia and Connecticut claimed each a portion of the Northwestern Territory. Connecticut ceded her jurisdiction without any directions as to its future civil divisions; but Virginia required that the lands so ceded should be divided into States, "containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will permit," &c.; which provision was made in accordance with a resolution of Congress of the 10th of October, 1780.

The country was at that time unexplored, and great difficulties might have arisen from the fixing of any unbending rules for the formation of new States, in respect to location and boundary. Congress soon became sensible of this, and, by their resolution of July 7, 1786, asked Virginia to revise her deed of cession. The preamble to that resolution shows what were the views and wishes of that Congress in the formation of new members of the federal Union, and what, I believe, has been (at least what ought to have been) the purpose of each succeeding Congress which has been called to act on this subject. It is as follows:

"Whereas it appears, from the knowledge already obtained of the tract of country lying northwest of the river Ohio, that the laying it out and forming it into new States, of the extent mentioned in the resolution of Congress of October 10, 1780, and in one of the conditions contained in the cession of Virginia, will be productive of many and great inconveniences; that, by such a division of the country, some of the new States will be deprived of the advantage of navigation; some will be improperly intersected by lakes, rivers, and mountains; and some will contain too great a proportion of barren and unimprovable land, and, of consequence, will not, for many years, if ever, have a sufficient number of inhabitants to form a respectable Government, and entitle them to a seat and voice in the federal council: And whereas, in fixing the limits and dimensions of the new States, due attention ought to be paid to natural boundaries, and a variety of circumstances which will be pointed out by a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each State, as well as for the accommodation and security of the first adventurers: In order, therefore, that the ends of government be attained, and that the States which are formed may become a speedy and sure accession of strength to the confederacy,

"*Resolved*, That it be, and is hereby, recommended to the Legislature of Virginia to take into consideration their act of cession, and revise the same, so far as to empower the United States in Congress assembled to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican States, not more than five nor less than three, as the situation of that country and future circumstances may require; which States shall hereafter become members of the federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th of October, 1780."

By this resolution Congress asked for authority to change nothing relative to the contemplated States in the Northwestern Territory, except the extent and boundaries; and they asked for discretion for the purpose of adjusting their boundaries to suit the natural features of the country. And this discretion (which was accorded by Virginia) is, if I can read and understand the laws and ordinances aright, continued over the whole northern portion of that country down to the present day.

The extent of the powers thus retained by Congress depends upon the ordinance of 1787 for the government of the Territory northwest of the river Ohio. I join in all that has ever been said in praise of this invaluable charter. It has been called irrevocable--so it is, as long as the faith of the nation is regarded. It has been called a sacred instrument—I hold it so. Next to the constitution itself (of which, indeed, this ordinance is by adoption a part) I hold it the most sacred among the muniments of our national liberty. But it does not, therefore, follow that every manner of pretension must be sanctioned which any one thinks fit to advance in its name.

The question of the power of Congress over this disputed territory grows out of the fifth article of the ordinance. I need not trouble the Senate by reading that article; a simple analysis of its provisions, so far as they touch the present question, will suffice.

1st. It ordains that Congress shall form not less than three, nor more than five, States within that Territory.

2d. It defines the boundaries of three of those States, according to the present boundaries of Ohio, Indiana, and Illinois, on all sides except the north; and it extends them all northward to the boundary line of the United States.

3d. And it provides that "the boundaries of these three States shall be subject to be so far altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan."

It appears to me clear, by the mere reading of the latter part of this section, of which I give the words, that all the obligation imposed upon Congress was to form three States in said Territory, the northern boundary of any of which should not be pressed farther south than the southerly bend or extreme of Lake Michigan; that the east and west boundaries of each of the three States should be fixed within the limits prescribed; and that the northern part of the Territory should be formed into States, or attached to the southern States, or part of it be formed into one or two States, and part of it attached to the State lying immediately south of it. One or two States may be formed by Congress in that part of the Territory which lies north of the east and west line above named; but it is not said that they shall be formed of that territory, or of all that territory. It were hard to reason on the subject; the ordinance itself is as clear to the point which I would sustain as any language I can use in support of it; and it is only by passing over, or interpolating, or modifying its provisions, either in statement or in argument, that a doubt has been raised as to its interpretation.

I will refer, by way of specimen, (and it is not the only one in which public documents have been thus treated in this contest,) to an article entitled "The case of Michigan," which appeared in the Intelligencer of the 5th instant. The writer is unknown to me, but the editors say it is "from a highly intelligent and respectable source." The sentence in that "exposition," in which a clause in the ordinance of 1787 is misstated, is as follows:

"By the ordinance of 1787, whenever any of the States or Territories in the Northwestern Territory 'shall have sixty thousand free inhabitants, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State Government.'"

I call the attention of the Senate to the word Territories, in that part of the paragraph which is introductory to the quotation from the ordinance, and which fixes the sense of that quotation. That word is an interpolation in language, and it changes the whole sense of the paragraph. It is not to be found in the text quoted, nor in the context, nor any word or words which convey an equivalent meaning to it, in the connexion in which it is here introduced. And, unfortunately, this single word, thus thrown in, is the one on which the whole argument in behalf of Michigan and her rights to this territory must hinge: take that away, read the ordinance truly, as it is written, adding nothing and suppressing nothing, it does not leave them ground whereon to rest the soles of their feet. It is the fifth article of that ordinance (1st vol. Laws of the United States, page 480) that has been thus misused. That article declares that there shall be formed, in the Northwestern Territory, three States; it defines their boundary on all sides except the north, as the States of Ohio, Indiana, and Illinois are now bounded; and it extends them all northward to the northern boundary of the United States, which is there called the territorial line. It then provides that "the boundaries of these three States shall be subject to be so far altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." Then follows the misquoted clause, which is in these words: "And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a constitution and State Government."

I am bound, in courtesy, to believe that the misrepresentation of this clause of the ordinance, by the writer who thus volunteers to instruct the community on this subject, was a mistake. But if any one can find in the clause of the ordinance referred to by that writer, and which I have just read, a vested right in this Territory (which is not formed by the ordinance or by act of Congress into a State) to come into the Union when its inhabitants shall be sixty thousand, or to hold fast, permanently, against the will of Congress, to the boundaries fixed for it as a Territory, for the express purpose of temporary government, he must have perceptions and reasoning faculties of a different order from those which are possessed by the rest of mankind. Indeed, when the ordinance is set out truly, as it is, no one will, I think, be able to draw any such inference from it.

Congress had the right, by virtue of their general powers, without any express compact authorizing it, to erect territorial Governments, such as they might see fit, as to number, extent, and boundary, and to change and modify them at pleasure. So at least it has been held, and such has been the practice of the Government.

And if they have not this power, the Territory of Michigan was created without authority; for the ordinance of 1787 expressly authorizes a division of the Northwestern Territory into no more than "two districts;" and this express authority was exhausted by the act of the 7th of May, 1800, which divided the Northwestern Territory into two separate Governments. I take it, therefore, for granted, that the general power will not be disputed by the advocates of the claims of Michigan; and if it be not, why do they fix upon, as the boundary to which they have a permanent right, that assigned to the Territory, "for the purpose of a temporary Government," by the act of 11th January, 1805, instead of either of the other acts fixing other limits? That act is neither the first nor the last which gave a temporary Government to the inhabitants of the country included in that Territory. It first formed a part of the Government of the Northwestern Territory. It was next divided between that Territory and Indiana. It was, in the next place, attached wholly to Indiana, and made to form a part of it; next, it was formed into a separate Territory, "for the purpose of a temporary Government;" and, lastly, the whole residue of the Northwestern Territory was attached to it, and formed with it one Territory for a like purpose, and remains, and is part and parcel of it, at this day. How, then, can it be with reason contended that the limits of the local Government, to which the inhabitants of this tract of country owed allegiance, should, in its fourth modification, though never before, be holden fixed and immutable? There are no words in the law to countenance it, save what are also contained in the other laws fixing the boundaries of the several territorial Governments, which, by different names, were from time to time extended, in whole or in part, over this peninsula. On the whole, that law gives to the inhabitants of that part of the Territory of Michigan no vested right to come into the Union as a State with those particular boundaries assigned them; it therefore throws no obstacle in the way of extending, or adjusting and defining, the boundaries of the States of Ohio and Indiana north of the east and west line above referred to, even if we admit that line to have been once made the boundary of the Michigan Territory.

I believe it has not been denied, by those who advocate the claims of Michigan, that Congress had a right to extend all or either of the three southern States north to the territorial line, according to their limits as set out in the first part of the 5th article of the ordinance; but they contend that Congress must include in each of those States all or none of the territory which lies within its limits north of that line; that they cannot include a part, and exclude another part; that an option is given them in fixing the boundaries of those States on the north, but no discretion beyond the mere choice of one of the two lines. In aid of the several arguments which I have advanced against this position, I will now adduce a series of acts of Congress showing a legislative construction of their own powers.

The east and west line named in the ordinance of 1787 has but a single call, "the most southerly bend or extreme of Lake Michigan;" it has no terminus to the east or the west; it of course passes across the whole territory; and if the position be correct that Congress could not extend any State beyond that line without including all the territory which lay beyond it and due north of such State, then Congress, in the formation of the State of Ohio, and the designation of its boundary, has violated the ordinance. In the act of April 30, 1802, under which Ohio was authorized to from a State Government, the line running due east from the southerly extreme of Lake Michigan is taken in part as the northern boundary of the contemplated State. Thus far it agrees with the line named in the ordinance; but it introduces another call, "Lake Erie, or the territorial line; and thence, with the same, through Lake Erie, to the Pennsylvania line;" making a totally different northern boundary. The two lines run together until they touch Lake Erie, then diverge widely. The line named in the ordinance runs through the southern bend of Lake Erie, and, passing out of it, cuts off a large extent of territory, with fifty or sixty thousand inhabitants, in the northeast corner of the State of Ohio, to which Michigan has the same right, by virtue of the ordinance, that she has to the country north of that line and south of the northern cape of the Miami bay. But Congress did not consider themselves bound by the ordinance to pursue that line, or they acted under a mistake as to the true position of Lake Michigan; the bearing of which error I will by and by consider.

In the formation of the State of Indiana, Congress disregarded this assumed restriction in the ordinance, or they had failed to discover it. That State is extended ten miles north of the southerly extreme of Lake Michigan; and Illinois, which was admitted a few years after, is extended north about thirty-five miles further than Indiana, and within a few miles of the line of latitude which, according to the old maps, (to which I shall by by more particularly refer,) cut through the southerly extreme of Lake Michigan. The mistake which had been made in the position of the object of that call was substantially corrected in the case of Illinois.

I need not now advert to the unhappy consequences which would flow from holding the east and west line, named in the ordinance, as a fixed and immovable boundary: the question is too clear, by the very language of the ordinance itself, and the legislative constructions of it have been too frequent and unequivocal, to require this auxiliary aid in settling the principle; still it ought not to be forgotten that the establishment of the doctrine contended for by Michigan involves, as its consequence, the dismemberment of three States of this Union, and the bringing of a large number of their citzens under a Government which they did not help to form, and to which they have never yielded, and to which I believe they never will yield, their willing allegiance.

Having, as I trust, established the position, (if any arguments were necessary to establish it,) that Congress has power to pass this act, without violating the constitution or the compact, or any principle which ought to govern legislators, I will now proceed to offer some reasons why the proposed adjustment of boundary ought to be made.

First, then, it was the intent of the framers of the ordinance of 1787 that the northern line of each of the three southern States should extend north of the points over which that east and west line is, by actual observation and survey, found to pass. This intent is proved by the clearest evidence. At the time of the passage of that ordinance, we had no information of the country north and west of Lake Erie, save what we derived from observations made or collected under the colonial Government. A map of that country, published in 1755, and still familiarly known as Mitchell's map, was the first in authority in England and America, from the time of its publication until long after the date of the ordinance. It is said to have been the map referred to by the American and British commissioners at the treaty of peace in 1783. And in the particulars in which it bears upon the present question, it was copied, or very closely followed, in all the maps which appeared in our country from that time until after the close of the late war. That map, and indeed every contemporaneous map that I have seen, fixed the latitude of the southern extreme of Lake Michigan about 42° 20′ north, or about forty-five miles north of its actual position, and so situated with regard to Lake Erie, that a line running due east through it would touch the lake near its head, or the Detroit river a little north of its entrance into the lake. I have laid upon your table, and on that of each of the Senators, a copy, on a reduced scale, of this map, as it is preserved in the State Department; by which may be seen, at a glance, the position of those lakes and of that line, as it was then believed and understood to exist. Congress had earnestly sought the power of fixing the limits of the proposed States according to natural boundaries, so that none of them should be improperly intersected by rivers or lakes, and so that there should be secured to each such natural advantages of navigation as most properly pertained to it. They obtained that power, and intended to exert it for the benefit of each of the new States; and, in fixing that east and west, they obviously intended to prohibit any future Congress from bringing down the northern line of that State, which is now Ohio, south of a line which would touch Lake Erie near its head, or the Detroit river above the lake. Ought that intent to be defeated by a mistake, by misinformation as to the position of a natural object in a hostile country, remote from any part of the State whose boundary was to be fixed? We are of opinion that the intent of the framers of that ordinance ought to be carried into effect, so far as it is necessary for the well-being of the State that it should be so.

It can be shown that the same intent prevailed with the Congress who passed the act of 1802, under which Ohio framed her constitution, and came into the Union as a sovereign and independent State. The line designated as her northern boundary is the same as that before referred to, laid down on Mitchell's map. That map then hung, as I have been informed, in the committee-room of the committee of Congress who reported that law. That there was a mistake in the position of this line by the Congress which enacted the law of April 30th, 1802, is proved further by the fact that the boundary they affix to Ohio is an impossible boundary. The law provides that the northern line shall run due east through the southerly extreme of Lake Michigan, until it intersects Lake Erie or the territorial line; thence, with the same, through Lake Erie, to the Pennsylvania line. This boundary, therefore, is based on the assumption that that east and west line will touch the territorial line (which is the northern boundary line of the United States) in Lake Erie, or north of it; otherwise it could not, without changing its direction, run with it, through Lake Erie, to the Pennsylvania line.

But that line does not touch the northern boundary line of the United States at any point in Lake Erie. The act of the 14th July, 1832, directs the President "to cause to be ascertained (among other things) by accurate observation, the latitude and longitude of the southerly extreme of Lake Michigan." Also, "that he cause to be ascertained, with all practicable accuracy, the latitude and longitude of the most southerly part in the northern boundary line of the United States in Lake Erie." The performance of this duty was, as a matter of course, assigned by the President to the War Department. And among the executive documents of 1833-'34, vol. 6, doc. 497, is found the report, in part, of the engineer employed to perform that service. He fixes the latitude of the southern extreme of Lake Michigan at 41 deg. 37 min. 7.9 sec. north. His observations as to the southern point of the northern boundary of the United States in Lake Erie do not lay claim to accuracy, but he supposes it to be in latitude 41 deg. 38 min. 38 sec., being north of the east and west line one mile one thousand four hundred and forty yards. But there was another and better mode of ascertaining the last-named fact than that adopted by the Department. It will be remembered that commissioners were appointed by the United States and Great Britain to mark the boundary between the two countries, under the treaty of Ghent. This duty was performed. This line was marked with great care through the western part of Lake Erie, and the map showing its position is among the archives of state. I hold in my hand a letter from Thomas P. Jones, keeper of the archives, directed to Mr. Vinton, of the Ohio delegation in the House of Representatives, dated January 7, 1835, in which he states that he has carefully examined the map of Lake Erie, as laid down and marked out by those commissioners, and that he finds the latitude of the most southern point to be 41 deg. 39 min. 43 sec., as nearly as he can ascertain by the scale, but that the measurement may possibly vary a second or so from the truth. So that the east and west line would not touch the northern boundary line by about three miles. I understand, however, (for I have not yet seen the report,) that the Department has at last brought the two lines together. Lake Michigan, I believe, still holds its first position—its southern extremity would move no farther north; but the boundary line between the United States and Great Britain has been found more flexible, and has come about four miles south of the point at which it was fixed by the commissioners under the treaty of Ghent. This has, it is true, been an *ex parte* proceeding by the United States; but Great Britain cannot object to it, as it gives her (if the new position of the line be adhered to) jurisdiction over many miles of the surface of the lake, which was assigned by the joint commissioners to the United States. For the present, however, I am disposed to consider the line run by the commissioners of the United States and Great Britain, in pursuance of a treaty stipulation, as the true boundary between the two countries. Taking, then, the position of the southerly extreme of Lake Michigan, as found by Captain Talcott, and the southern point of the northern boundary line of the United States in Lake Erie, as settled by the commissioners, and as measured on their map by the keeper of the public archives, it is clear that these lines do not close, and that one of them must be varied by legislative enactment or judicial construction, or the State of Ohio has no boundary. This state of things could not have been in accordance with the intent and purpose of the framers of the law of April 30, 1802.

The line, then, so far as it touches the boundary of Ohio, was intended, by the Congress of the United States, to be where it appears on Mitchell's map, and the other maps of the day. If this were the case of two individuals contracting for the transfer of land, who had been governed in their contract by a plat spread out before them, and if such contract had been made, and such map exhibited as showing the boundary between them; I ask every land lawyer here, if a reference in the deed to some remote object, as that from which one of the boundary lines should emanate, when the position of that object was proved to have been mistaken by the parties, would control the bounds of the grant? In equity would it? Would it between man and man, the facts being fully made out? Would it be permitted to defeat the manifest intent and purpose of both parties? We know well it would not. We know that where the lines and bounds of a tract of land are shown by the vendor to the purchaser, either upon the ground or on a plat, and the description in the deed does not cover it, no matter whether by accident or design, a court of equity will hold the conveyance to be according to the boundary shown, and so correct the deed. In the acts of Governments, there is no distinction between law and equity. The appeal to law, as it regards a nation, is an appeal to the national sense of justice; and an obligation much less strong than that which would move a court of equity, in the case of an individual, ought to be sufficient, especially in a case like this, to command the action of a just and generous nation.

But Congress not only intended to give a boundary which included the mouth of the Miami of the Lake and its bay, but the people of Ohio, in convention, asked and expected to receive it. They believed the line included the Miami bay, and a doubt was for the first time thrown upon it by information received from a trapper, who returned from the shores of Lake Michigan while the convention was in session, which caused the insertion of the proviso in the 6th section of the 7th article of the constitution. This constitution was accepted by Congress without a syllable, yea or nay, on the subject of the proviso. It was accepted all together, the proviso forming a part of it. No objection was urged to it by Congress, or by the committee of Congress which reported on the constitution. And when we consider that this proviso was fully and entirely in accordance with the end and aim of the resolution of Congress of the 7th of July, 1786, which asks of Virginia, a modification of her deed of cession, with a view to regard natural boundaries and the commercial relations of the contemplated States; that it accorded with the views of the Legislature of Virginia, who changed their deed of cession for that express and declared purpose; that it accords with the views of the framers of the ordinance of 1787, as appears by the map of their day, showing their opinion of the line which should bound the contemplated States; that it accords, also, with the opinion of the Congress who passed the law under which Ohio formed her constitution and State Government; that this proviso, the solemn act of the people of Ohio, met in convention, declares that as a part of their constitution they ask and claim of Congress that boundary; and, finally, when it is considered that the whole constitution was accepted without a dissent to that proviso, I think a strong case of equitable if not legal right is presented on the part of Ohio, for the definitive sanction of the boundary which she claims; and that it is an irresistible appeal to the sense of justice of the nation. And I, for one, care not whether this act be passed on the ground that Ohio is entitled to the boundary claimed by law, by equity, or on principles of political justice and expediency; but sure I am that the people of that State feel strongly that the concession is due them, and that dissatisfaction will be general and deep if it be withheld.

But it is said that the rights of Michigan are implicated in the adjustment proposed by this bill, and that it cannot pass without doing injustice to that Territory; but, for myself, I can discover nothing solid in this objection. I have already shown that that Territory has no right to any particular boundary, either by virtue of the ordinance of 1787, or any of the acts of Congress. If I have succeeded in establishing this, what is left of her claim on those general principles of political justice and expediency, to which I have appealed in behalf of Ohio?

Michigan is a temporary territorial Government, extending over about 177,000 square miles of territory, equal in extent to three of the largest States in the Union. It was called into existence by an act of Congress; and, so long as it continues a Territory, it is subject to be changed and modified, as to boundary and extent, at the pleasure of the same power. The inhabitants have their rights as American citizens secured under the ordinance of 1787, and various acts of Congress; but they have no territorial rights; and Michigan, as such, has none against the will of Congress. The question of expediency, only, then occurs in behalf of a State that is to be hereafter formed north of Ohio and Indiana; and I ask, is it expedient that that State should hold the mouth of the Miami, which has its whole navigable course in Ohio and Indiana, and control its entrance? Those two States are constructing a canal connecting the Miami bay with the Wabash river; and that grand work is now delayed, awaiting the decision of this question. I ask, is it expedient that a State, which you are to form hereafter north of these two States, should hold this outlet of the vast region which is intersected by this canal?—that the new State should have delivered to her the key, and be the sole keeper, of the entrance to the noble edifice erected by the industry and enterprise of her neighbors? It is not right. And the pride of those States must be wounded, and their sense of justice outraged, by such a determination. But again: what policy is there in giving the new State, when it shall be created, the jurisdiction over this disputed territory? Is the territory of that State, without it, likely to be too small, or does it want for navigable communication? Neither. One hundred and seventy-seven square miles, an extent equal to three of the largest States in the Union, must be formed into no more than two States; and its eastern portion has advantages of navigation equalled by few States on the Atlantic seaboard.

Then, with respect to those who belong to the unclaimed part of the territory—who profess to be contending for their rights, and who accuse Ohio of ambition, and usurpation, and injustice—what is their claim, and for what do they contend? Not the right of self-government, or the right to choose their own rulers, or the jurisdiction to which they shall be attached; for nothing of this is sought to be wrested from them; but they claim to govern their neighbors, who deny them allegiance; or, if not to govern them, they wish to force into their fellowship and fraternity those who turn from them with fear and aversion, and who seek protection from Ohio, whom they think more regardful of their feelings and more friendly to their interests. Those who, in the plenitude of their chivalry, wish to protect the weak against the strong, would do well to think of extending that protection over this people, who, if attached to Michigan, will feel themselves delivered over to a kind of political bondage, and into the hands of those whom they look upon as their adversaries and rivals.

Something is surely due to the opinions and feelings of these people of the disputed territory. If joined to Michigan, they cannot and they will not be content with their condition. They contend against it now, like men who are struggling for all that they hold dear and sacred, and against whatever is deemed most calamitous. They think (but I cannot answer for the correctness of their opinion) that, instead of enjoying the privileges of freemen, instead of being placed in the hands of a fostering and paternal Government, which would watch over and protect their interests, and aid in the improvement of their natural advantages, and in the development of their resources, they would be delivered over to a bitter adversary, and a determined and inveterate rival.

Mr. President, I ask, in behalf of Ohio, and I most earnestly ask, an early decision of this question. It has been for years past the victim of procrastination. For more than thirty years has Ohio presented herself, year after year, at the bar of Congress, as a petitioner for what she deems her right—what this body, whenever it has spoken, has declared to be hers, either on principles of justice or of national policy; but she has been delayed, postponed, and the measure for her redress lost in the other House, without a hearing had or an opinion elicited. I trust and hope that it now approaches a termination, and that its result will be such as to satisfy the pulic mind, and calm the dissatisfaction of our people.

NOTES.

Letter to the honorable Samuel F. Vinton.

WASHINGTON, *January* 14, 1835.

DEAR SIR: Agreeably to your request, I have carefully examined the map of Lake Erie, as laid down and marked out by the commissioners to settle the boundary line under the treaty of Ghent, and find the latitude of the most southern point to be 41 deg. 39 min. 43 sec., as nearly I can ascertain by the scale; but the measurement may possibly vary a second or so from the truth.

I have the honor to be, very respectfully, your obedient servant,

THOS. P. JONES,
Office of Archives, Dept. of State.

Extract from Captain Talcott's report of January 7, 1834, (*Executive Documents* 1833-'34, *volume* 6, *document* 497.)

"The fourth station was at the most southern bend of Lake Michigan, on the beach of the lake, at high-water mark, and about the middle of a reach of the lake which lies east and west, and is about two miles in extent. The observations at this place were more numerous than at any of the other stations, and give for its latitude 41 deg. 37 min. 7.9 sec. north."

[The following is a copy of the bill introduced by Mr. Ewing:

A BILL to settle and establish the northern boundary line of the State of Ohio.

Be it enacted, &c., That the northern boundary of the State of Ohio shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay; thence, northeast, to the northern boundary line of the United States; thence, with said line, to the Pennsylvania line.

Sec. 2. *And be it further enacted*, That the boundary line surveyed, marked, and designated, agreeably to "An act to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana," approved March the second, eighteen hundred and twenty-seven, shall be deemed and taken as the east and west line mentioned in the constitution of the State of Indiana, drawn through a point ten miles north of the southern extreme of Lake Michigan, and shall be and for ever remain the northern boundary of said State.

Sec. 3. *And be it further enacted*, That the northern boundary line ascertained, surveyed, and marked, agreeably to a law of Congress, entitled "An act to ascertain and mark the line between the State of Alabama and the Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes," approved March second, eighteen hundred and thirty-one, shall be deemed and taken as the line west from the middle of Lake Michigan, in north latitude forty-two degrees thirty minutes, to the middle of the Mississippi river, as defined in the act of Congress entitled "An act to enable the people of Illinois Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," approved eighteenth of April, eighteen hundred and eighteen, and shall be and for ever remain the northern boundary line of said State.]

When Mr. Ewing had concluded,

Mr. MORRIS objected to the second reading of the bill, and said that, as there was some difference between his colleague and himself, in relation to some of the principles involved in the bill just read, of an important character, he would submit a resolution, as presenting his views on the subject.

The CHAIR stated that, as the resolution was in the form of a joint one, it must be introduced after giving one day's previous notice.

Mr. MORRIS gave notice accordingly that he would introduce the resolution to-morrow.

PRESIDENT'S MESSAGE, &c.

On motion of Mr. WEBSTER,

Ordered, That so much of the President's message as relates to finance, together with the annual report of the Secretary of the Treasury, be referred to the Committee on Finance.

Various other portions of the President's annual message were referred to the appropriate standing committees.

INCENDIARY PUBLICATIONS.

Mr. CALHOUN moved that so much of the President's message as relates to the transmission of incendiary publications by the United States mail be referred to a special committee.

Mr. C. said that this was a subject of such importance as, in his opinion, to require the appointment of a special committee. It was one which involved questions of a complicated character, and such as did not properly come within the duties of the Committee on the Post Office and Post Roads, touching as they did on the constitutional powers of the Government. Another reason for the appointment of a special committee was to be found in the fact that, in the construction of the standing committees, there was only a single gentleman from that section of the country which was most deeply interested in the proper disposition of this very important subject. He did not anticipate any opposition to the motion, and hoped it would be at once adopted.

Mr. KING, of Alabama, expressed his hope that, in this instance, there would be no departure from the customary practice of the Senate, as he had no apprehension that the regular standing committee had the least desire to take any course which would interfere with any right which belonged to any State of the Union. Without looking particularly at the construction of that committee, he felt a confident belief that there was no disposition in any of its members to have the public mails prostituted to the purposes of a set of fanatics. He did not wish to see the subject taken out of the regular course, as he considered that it would be giving to it a greater degree of importance than was necessary. He was of the opinion that the only mode in which Congress could interfere was through the regulations of the Post Office. Beyond that, he believed they had no right to go. Thus believing, notwithstanding the situation of peculiar delicacy which he personally occupied, he could not consent to give to the subject more consequence than it deserved, by taking it out of the hands of the regular Post Office Committee. He hoped, therefore, that the Senator from South Carolina would take a different course, and wait to see what was done by that committee before he advised the appointment of a special committee. If he should find that the standing committee did not properly discharge their trust, then it would be time enough to see what other mode could be devised by which a restraint might be constitutionally imposed on the circulation of these mischievous publications. He hoped the subject would not be sent to a special committee.

Mr. CALHOUN replied that the Senator from Alabama had mistaken his object, which was not to produce any unnecessary excitement, but to adopt such a course as would secure a committee which would calmly and dispassionately go into an examination of the whole subject; which would investigate the character of those publications, to ascertain if they were incendiary or not, and, if so, on that ground to put a check in their transmission through the country. He could not but express his astonishment at the objection which had been taken to his motion, for he knew that the Senator from Alabama felt that deep interest in the subject which pervaded the feelings of every man in the Southern section of the country. He believed that the Post Office Committee would be fully occupied with the regular business which would be brought before them, and it was this consideration, and no party feeling, which had induced this motion. Whatever was to be done, whatever feeling to be expressed, it was earnestly to be desired that it should come from a committee, a majority of whom were of those who were most deeply interested in the matter; and he hoped this sentiment would be responded to by a general acquiescence on the part of the Senate.

Mr. GRUNDY said that his situation was such that he ought not, perhaps, to take any part in this discussion, but that his silence might be misrepresented. In reference to the objection that the members of the standing committee were from a different part of the country, he would reply that, such being the case, if the same sentiments favorable to the opinions of the Senator from South Carolina were entertained by the majority of them, their report would go forth to the public so much the stronger, as it would show that there existed a similarity of feeling in every part of the country, as to the power of the Government to act efficiently on this subject. He did not intend even to give a full opinion; it was not the time for it; but he would say that the general Government could do very little, except it should be through the regulation of the Post Office, and by aiding to give efficiency to the operation of the State laws. Perhaps more might be done, but he did not desire to see any power exercised which could have the least tendency to interfere with the sovereignty of the States. He would only add, that the standing committee he had intended to call together to-morrow, chiefly for the purpose of deliberating on this subject, but, hearing that some motion of this kind might be made, he had delayed his intention. He neither wished for the labor of examining this subject in the regular committee, nor did he desire to avoid any responsibility. It was not improbable that there would have been unanimity of sentiment.

Mr. PRESTON made a few remarks, the commencement of which was inaudible, from the low tone in which it was delivered. It had been said that the evil was to be cured through the regulation of the Post Office. Had the Government any power to regulate that way? If so, to what extent? What *surveillance* could it exercise over the Post Office? If there can be any efficient action in this mode to protect the rights and harmony of the South, then to what extent do we want protection? He believed the importance of the subject, involving, as it did, the interests of a large portion of the country, required that it should be submitted to a special committee. There was great anxiety on the subject pervading the South, but no excitement was likely to grow out of it. If there should be any, it would not be as to the question of slavery, but the power which might be exercised by the Government.

Mr. CALHOUN stated that, if this subject had been within the ordinary duties of the Committee on the Post Office, he would not have objected to their taking charge of it; but every one must see that it involved considerations of a peculiar character, separate and distinct from the ordinary duties of that committee. He had no desire to bring into debate the important question of slavery, but merely the powers of the Government. The peculiar question of power now presented was a new one, and required to be examined with the utmost caution. In all free States, the most dangerous precedents had been founded on questions of this character. Great principles might be overlooked, and dangerous innovations adopted, from which the worst consequences would flow. He looked to the constitution only. This was a great constitutional question, and he should deem himself a traitor to his section of the country if he could suffer any consideration as to the presidential election to be brought to bear upon it. It was a question of infinitely higher moment. His desire was to allay every excited feeling; to look calmly, not only at the main question, but at all the collateral. He looked only to the importance of the subject, as a new one, which was now to settle a great principle. He did not desire to assume any responsibility which the crisis did not demand, but he would not shrink from any necessary labor. The Southern people were deeply interested; they deemed that principles were involved in this subject which affected their rights, and on the right decision of which the peace and harmony of the nation depended. On these grounds he had desired a special committee.

Mr. LEIGH said he should vote for a reference of the subject to a special committee, not from any distrust of the standing Committee on the Post Office, on account of the quarter of the Union from which the members composing the committee came, but because he did not think that the subject belonged to the province of the standing committee. He understood that committee to be charged with matters relating to the general arrangements of the Post Office, and not to take cognizance of any thing with which was mingled up constitutional questions of such delicacy. He would take occasion to say now, that, from the conversations he had had with intelligent individuals from the non-slaveholding States, there existed no essential difference of opinion between them and himself. All of them were deeply impressed with the wickedness of these incendiary publications, and were ready to go with him in a common effort to suppress them. There was therefore no fear to be entertained as to the course of the intelligent part of the North. But there was a fear lest this question should become involved in party considerations; and he should have no fear of this if the subject were sent to a special committee. So sure as it becomes entangled with party views, every thing like wise and efficient concert of action will be prevented.

Mr. BUCHANAN expressed his gratification to hear the gentleman from Virginia express the result of his conversations with the gentlemen of the North; and he was sure the honorable Senator spoke the sentiments of every intelligent man north of the slaveholding States, when he says he would suppress any incendiary publications which disturb the tranquillity of that section of the Union. I have yet to find that man of intelligence in the North who is of the opinion that the general Government has any right to interfere in the question of domestic slavery in the South; and all are disposed to go as far as they can constitutionally go, to suppress the transportation of incendiary publications through the mail. The reason why he was opposed to a special committee was, because by adopting the ordinary course party spirit would be effectually put down. He had no fear of creating any party spirit on the subject in this body; but abroad the question might be asked, for what purpose was this referred to a special committee? Is the subject so far out of the reach of law that it cannot otherwise be taken hold of? Are there any two individuals who differ as to the propriety of doing all that can be done to prevent the circulation of incendiary publications in the South? The only question is the constitutional one, how far can we go? I undertake to say that we are all disposed to go as far as we can; and when we have raised a standing committee, conversant with the business of the Post Office and post roads, shall we take the subject out of their hands, and give it to a special committee? Abroad this may be considered a party movement. Mr. B. concluded with saying he should vote to send the subject to the Committee on the Post Office and Post Roads.

Mr. **MANGUM** was disposed to vote for a special committee, because he desired to see the subject fairly and fully deliberated on. He deprecated all party feelings, and hoped they would be avoided in the consideration of this matter. He did not believe there was any intention, and for himself he disclaimed any, to cast the slightest disrespect on the general committee. But this was a subject which did not come within the range of their duties. The great question to be considered, and it was of the highest magnitude and delicacy, was, how far have we a right to proceed? He was unable to lash himself into any excitement on the subject. He had never been able to apprehend those dangerous results which others seemed to fear; and, whatever was to be feared from the dispersion of incendiary publications in the South, he thought there was in the Government no power over their general circulation. He should regard the assumption of any such power as deeply to be deprecated. After seeing many Eastern friends, he was prepared to concur with the gentleman from Virginia, that, through all the Northern region of country, whatever difference existed on the abstract question of slavery, the general structure of public opinion was sound. He did not fear any excitement here or elsewhere. We were compelled to act on this subject by the suggestion in the message of the President. He regarded it as a question of great moment, and every gentleman must see the propriety of giving it to a separate committee. The Committee on the Post Office and Post Roads were likely to have more labor than they would be able to discharge. New routes would be presented to them from every part of the country. But whether such was the case or not, the great question here to be considered was foreign to the objects within their province, and could have no reference to their duties.

If it were to be sent to either of the standing committees, the Judiciary would be the most appropriate one. Those who most deprecate the circulation of incendiary publications feel a still stronger apprehension as to the extension of the powers of the Government.

Mr. **PORTER**, of Louisiana, said that the question was not of much importance, though the matter which gave rise to it was of paramount importance to that portion of the Union from whence he came. He thought, with the Senator from North Carolina, that, if the subject must go to one of the standing committees, it should be that on the Judiciary; as the main question to be examined was the constitutional power of conferring such authority on the Post Office Department as had been solicited from certain quarters of the Union--not on any of the details connected with that branch of the Government.

Mr. P. preferred the special committee, not because he thought it would differ widely in its conclusions from that on the Post Office and Post Roads, but because he thought it was due to the importance of the subject that every thing which could mark the deep sense of the Senate of its weight and gravity should be done. He concurred with the Senator from North Carolina on the opinion which generally prevailed among persons of intelligence in the non-slaveholding States on this question. He also gave his ready and cheerful testimony to the liberality which his brother Senators from all parts of the Union exhibited, and he had no doubt felt, on this most delicate of all questions. They looked at it with the eyes of statesmen and patriots. They saw that, constitutionally, the non-slaveholding States could not interfere, and they knew that all attempts of this kind must end either in drawing tighter the bonds which confined the the slave, or in bursting them with consequences which no one could contemplate without horror.

But while he assented to all that had been said in relation to the intelligence of the non-slaveholding States, he could not agree with the honorable Senator from North Carolina that there was no danger. Certainly there was no immediate danger. The decision and energy exhibited during the last summer at the South, with the aid of public opinion to the North, had checked the incendiaries. Without such decisive manifestations we should now have had philanthropists travelling in the slave States, and claiming the "constitutional right" to stimulate the slaves to rebellion. But though there was no cause for immediate alarm, there was every motive for the Southern States to keep a vigilant eye on all the movements in relation to this matter. It was well known that associations made up principally of hypocrites and fanatics, and rendered more mischievous by having obtained the assistance of some well-meaning but most weak and misguided men, were laboring incessantly to render their position in regard to their slaves uneasy and insecure. Fanaticism of all kinds had a tendency to spread. In its very nature it was contagious, and it could only be extinguished by decisive measures on its first outbreaking.

He had not made up his own mind, Mr. P. said, on the power of Congress to the extent to which the inquiry suggested by the President might lead. It was unnecessary to state that a strong excitement prevailed through the South, and the citizens of that section certainly expected action on this subject, if it could be constitutionally had. If it could not, they would not ask it, and would look round for measures from their own legislation by which they might protect themselves. The Committee on the Post Office and Post Roads was composed, in a large proportion, of gentlemen from non-slaveholding States. He could not be misunderstood, after what he had already said. He meant no disrepect, but he thought that, if the conclusions to which the committee who might have the matter in charge arrived were adverse to the power, it would obtain an easier and more cordial assent from the people of the South if it came from members having the same interests with themselves, and acting under the same sense of danger, and the same desire to obtain a remedy for a common evil. For this reason, Mr. P. said, he preferred a special committee.

Mr. **CLAYTON** said, if this subject was to go to any standing committee, he would like to hear some good reasons why, if it involved a question of constitutional law, it ought not to be sent to the Judiciary Committee. But he believed the gentlemen on that committee were not anxious to assume the duty, and therefore he would vote for sending it to a special committee. It should be remembered that this subject was not before the Senate when the standing committees were appointed, and that the committee on the Post Office was not selected in reference to it. He was in favor of a special committee, because he wished gentlemen from the South on the committee. He was desirous to see more of these than from any other section of country. Four out of five of the Post Office Committee were Northern Senators, and this was an objection in his mind to sending the subject to that committee. He spoke as one representing Southern interests and feelings, and his constituents would be better satisfied if Southern gentlemen were on the committee. If it was to go to a standing committee, the subject should be sent to the Judiciary, as the most appropriate; but, as they were not anxious to have it, he was willing to give it to a special committee.

Mr. **KING**, of Alabama, expressed some surprise at the general disclaimer of party feelings. He had charged no such feelings to any Senator, and there was no reason or necessity for the disclaimer. He had contended that the Government had no right to interfere with the slave question at all, nor by any of his acts would he even indirectly give them the power. His constituents were almost as deeply interested in this question as any portion of the community—perhaps there were none more so. With this conviction, and notwithstanding the excitement which had existed last session, he would rely on the Northern States to put it down at home, and not permit any of their citizens deliberately to disturb the peace and harmony of the whole country. But he would not interfere here, in his place, as a Senator. He was not prepared to say how far the Post Office Committee could interfere with any other matter; but, so far as these incendiary publications go, to put an end to their transmission by the mail would be their duty and the duty of Congress. Further than this he thought they could not go. Did the President recommend any thing beyond this? Gentlemen had talked about a new principle. He did not see any of the dangers which they seemed so much to dread, and he would rather see the subject in the hands of the Senators from the North. He was not disposed to add to an excitement already too great. Although he felt great confidence in the feeling of the Northern Senators, among the people, who had less favorable opportunities for judging, different opinions might sometimes prevail. These suspicions did not confine themselves to the ordinary body of the community, but had even found their way into executive communications; and they would all be satisfied when they saw those States, which ought to put down the excitement, taking measures do to so.

Mr. GOLDSBOROUGH suggested that the Senate had gone into a discussion of the subject, when the only proposition before them related to the institution of an inquiry. The Senator from South Corolina had asked for a committee, not merely on a subject which was relevant to the duties of the Post Office Committee, but involving a question as to the constitutional powers of the Government. He should be sorry to do any thing which might be considered discourteous to the Post Office Committee. They were worthy of all confidence. But they did not come from the proper section of the country; and, as this was not a matter in relation to the Post Office, but concerning the power of Congress, he was disposed to prefer a special committee. When the gentleman from Massachusetts presented his resolutions to refer to the Committee on the Judiciary the subject of the transportation of the mails by the railroads, there was no objection intimated, and he hoped this motion would pass.

Mr. LEIGH said, adverting to the occurrences of the past summer, it was natural, it was wise and right, that the President should make such a reference to the subject as he had made in his message. He understood that part of the message much as the Senator from Alabama did. He recommends the subject to Congress, but leaves them to say how far they can interfere through the Post Office. If it should turn out, as it will, to be impossible to act thus, it will be found that the Post Office Committee will have nothing to do with the subject.

Mr. DAVIS stated that he was one of the members of the Committee on the Post Office and Post Roads. He was not sure that more importance had not been attached to this subject than it deserved. When gentlemen had spoken of the powers of the Government, constitutional powers, and the course which this matter must take in reference to these powers, he was not able exactly to understand their views, for he had not ascertained what they had in their minds when they said this was no matter for the consideration of the Committee on the Post Office and Post Roads. Looking at the motion rather as a matter of courtesy than in any other light, he, for one, would be glad to have the subject away from the committee to which he belonged, and he would be glad to send it to a special committee, not because it struck him as not properly belonging to the Post Office Committee—for he rather thought it did belong to that committee, because if the Government had any power on the subject it must be through the Post Office—but because it was desired by the gentlemen from the South.

He wished to present one other view, as to a matter which occurred in the other House, when he was a member of that branch; and, as it occurred several years ago, there was nothing disorderly in speaking of it. Great questions were at that time in agitation, deeply affecting the interests of that part of the country from which he came, and he then saw all the members of that section of the country constantly excluded from the committees to which these subjects were referred. He, and those associated with him, had then thought there was a little want of magnanimity and generosity in thus excluding from committees the gentlemen who represented a people that were most deeply interested in the subject.

He viewed this as peculiarly a Southern interest, and was willing the gentlemen from that section of the country should present to the Senate their views; not that a naked question of constitutional power may not be as well understood in one portion of the country as another; but Southern gentlemen certainly best knew their own embarrassments in relation to this matter. When the subject comes here, gentlemen from other parts will no doubt do their duty fearlessly; but it seems not only courteous but parliamentary that those who are most vitally interested should first present us with their views. He would, therefore, cheerfully vote for a select committee.

Mr. PRESTON suggested that there were other modes of arresting the evil than through the Post Office, and he had himself received a proposition and a bill, which had been drawn without touching the Post Office at all. It proposed that the depositing of an incendiary publication in the post office should be constituted an offence in the State where it took place, and the letting of it out of the post office should be equally deemed an offence where it occurred. This would leave the matter open between the Judiciary and the Post Office Committees; and ought it to be thus left open? This suggestion he had made to show that the question might be affected by other laws than those of the Post Office. This was precisely a sectional question. They were thankful to the gentlemen from the North for the course they had taken, and respected and honored them for it; but he thought it was due to the South that they should have an examination, and that they should be permitted to present their precise views, and see what could be done to satisfy the public mind.

Mr. EWING said that, as one of the members of the Post Office Committee, he was neither desirous to have, nor to avoid, the labor of this inquiry; nor should he consider himself in any way slighted by the transfer of this subject from one committee to another. He was satisfied that this part of the message should take the same course as if no standing committee had been appointed. Look at the organization of the Committee on the Post Office and Post Roads: four of its members were from non-slaveholding States, and only one from a slaveholding State. As the subject was sectional, and affected Southern interests principally, there was a propriety in sending it to them for consideration. They best knew what was requisite to satisfy the public mind, and the people of the South could be more easily quieted by a report from them. Congress had been called upon by the public press in all quarters to act upon the subject. Who best knew how to effect the desirable object of satisfying the public expectation? The gentlemen from the South. They were the most competent. For his own part, he knew nothing about it. If Congress could not act in this matter, who ought to declare the fact? From whom would a statement of the fact come with the most weight? Should it come from Northern Senators, who had no hold on the confidence of the people of the South, or from the Southern gentlemen, who were most deeply interested in the suppression of any injurious excitement? From the South a report would come with a more conciliatory effect than from the North. No result could be more satisfactory to the South than that which was brought about by the influence of the Southern Senators.

Mr. BROWN intended to vote for a reference of the subject to the Committee on the Post Office and Post Roads. It had been urged that it was more proper to send it to a special committee, because they would have more time to examine the subject, and would carry more ability into the examination. He entertained a different opinion. The Committee on the Post Office had all the necessary experience; they were conversant with all the Post Office laws. Gentlemen in all the important committees were much engaged. No one was entirely free. The special committee would not be able to afford more time to the investigation than the standing committee. Another reason had been urged, that the committee ought to be constructed from the Southern section of the country. He could not subscribe to the soundness of this doctrine. Gentlemen deprecate giving a party complexion to the matter; what would be the effect of sending it to a special committee? It would be more than giving a party complexion to the matter: it would be giving to it a sectional aspect, which was the worst kind of political aspect. The proper course appeared, in his opinion, to be, to display a confidence in the North, in the full conviction that they would do right. If they were to exclude the Northern gentlemen, it would imply a distrust which he was not willing to show. The proper course would be to confide the matter to the Northern Senators, who, he was confident, were as much interested as any others in putting down these incendiary efforts of a set of fugitives from the Northern States, and this was the course he was disposed to pursue in this case.

He never had believed that there was a majority in the North prepared to take a course which would tend to the destruction of the most glorious confederacy that had ever been seen on the face of the earth. He was, therefore, disposed to send the subject to the Committee on the Post Office and Post Roads, the chairman of which was experienced, and fully conversant with the whole subject. Whatever could be done, must be through the Post Office Department. He would not think of attributing any party feeling on this subject to any gentleman here; for any one who would stir up the subject for the purpose of sustaining fanatic abolitionists, would bring up that which would have a tendency to dissolve our free and glorious institutions, and would render himself an object for the finger of scorn to point at.

The question was taken on the motion to refer the subject to a select committee, and decided in the affirmative: Ayes 23.

The committee, on motion of Mr. CALHOUN, was ordered to consist of five members, and was chosen as follows: Mr. Calhoun, Mr. King of Georgia, Mr. Mangum, Mr. Davis, and Mr. Linn.

Adjourned.

Tuesday, December 22.

A message was received from the President of the United States, transmitting a report from the Secretary of War on the subject of the construction of the Cumberland road in the States of Indiana and Illinois; which was referred to the Committee on Roads and Canals.

Also, a report from the Treasury Department, concerning insolvent debtors.

A report, also, from the Treasury Department, in reference to custom-house officers; which was ordered to be printed.

Numerous petitions and memorials were presented by the Chair, and referred to the appropriate committees.

PATRIOTIC BANK OF WASHINGTON.

Mr. KING, of Alabama, having presented a memorial from the Patriotic Bank of the city of Washington,

Mr. BENTON said that a petition for rechartering a bank in the city of Washington had been presented by a gentleman near him, and been referred, without exciting his immediate attention. During the last session he had objected to the receiving of petitions of this character, and during the present he had found on his table—and he presumed other Senators had been equally fortunate—a pamphlet of some two hundred pages, in which, without alluding to him by name, an attempt was made to refute his arguments, and to turn the position which he had then taken up against all banking companies as now conducted. He still maintained that position, nor would the essay of any man move him from it. He still believed that the banking system was full of corruption every where; but that it had been more abused in this District than in any other quarter of the globe—that these ten miles square had more banking capital on paper than any other ten miles square in Europe, Asia, Africa, or America.

He wished for the appointment of a special committee to inquire into the system upon which these corporations had acted; for he believed their currency had depreciated so low that the very washerwomen and laborers on canals had been cheated out of the better portion of their hard-earned wages, while at the same time the Government of the United States could have supplied them with more gold and silver than could possibly have been absorbed in all their business transactions. Such reports had reached him, indeed, as were sufficient to excite the indignation of any man. He intended to have proof upon every point; and if these reports were true, even in part, then the petitioners should have leave to withdraw, and all who followed in their track might go and do likewise. He had already taken a stand in favor of a hard-money currency, and he had no idea of being sneered out of all legislation upon the subject now. He believed there were ten or twelve banks, broken and unbroken, in the District; he believed they would all stop by the 4th of March, and he thought it would be better for the community if they were stopped now.

Mr. KING, of Alabama, said that the memorial was handed to him by several of the most respectable individuals in this community, and that, as a member of the Committee on the District of Columbia, it was assuredly his duty to present it. How far we should go in chartering or rechartering banking companies was a question for after consideration; as for this petition, it was perfectly respectful, and he hoped would be permitted to take the usual course. When the proper time arrived, the Senator from Missouri would have an opportunity of throwing such obstacles in its way as he might think necessary.

Mr. BENTON said that, as for waiting till the bill was on its passage before he offered his objections, that was not the way in which the Bank of the United States was prostrated. The petition for rechartering might be uccessful, but the petitioners would find themselves mistaken if they thought their purpose was to be accomplished without such improvements and modifications being insisted upon as the lights of the age seemed to require.

NORTHERN BOUNDARY OF OHIO.

Mr. MORRIS, in pursuance of notice given, asked and obtained leave, and introduced the following joint resolution; which was read, and ordered to a second reading:

Whereas it is provided in the sixth section of the seventh article of the constitution of the State of Ohio as follows: "That the limits and boundaries of this State be ascertained, it is declared that they are as hereafter mentioned; that is to say, on the east by the Pennsylvania line, and on the south by the Ohio river, to the mouth of the Great Miami river; on the west by a line drawn due north from the mouth of the Great Miami river aforesaid; on the north by an east and west line drawn through the southern extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami river, until it shall intersect Lake Erie on the territorial line, and thence, with the same, through Lake Erie, to the Pennsylvania line aforesaid: Provided always, and it is hereby fully understood and declared by the convention, that if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect said Lake Erie east of the mouth of the Miami river of the Lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of Ohio State shall be established by and extend to a line running from the southerly extreme of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river aforesaid; thence, northeast, to the territorial line, and by the said territorial line to the Pennsylvania line." And whereas the State of Ohio claims that the assent of the Congress of the United States has been virtually and substantially given to the sixth section of the seventh article of the constitution as above set forth, and more especially to the latter clause thereof, describing her northern boundary as contained in the proviso to said section, by admitting her Senators and Representatives to their seats in Congress, and more fully by the act of Congress as declared February 19, 1803, entitled an act to provide for the due execution of the laws of the United States within the State of Ohio, in the preamble to which act it is declared that the State of Ohio has become one of the United States of America, whereby, as a matter of right, the said State has acquired, and can rightfully exercise, jurisdiction on her northern border to the line as described in the latter clause of the proviso contained in the sixth section of the seventh article of her constitution; but as doubts have arisen whether the act of Congress of the 11th of January, 1805, entitled an act to divide the Indian Territory into two separate Governments, does not contravene the rightful jurisdiction of Ohio to the line as described in the article of her constitution as above stated: In order, therefore, that doubts may no longer exist on this subject,

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the assent of the Congress of the United States is hereby fully declared and given to the latter clause of the sixth section of the seventh article of the constitution of the State of Ohio, which is in the following words, to wit: "The northern boundary of this State shall be established by and extended to a direct line running from the southerly extreme of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami aforesaid; thence, northeast, to the territorial line, and by said territorial line to the Pennsylvania line."

And be it further resolved, That any State or States that may be formed of the territory of the United States lying east of the Mississippi river, which Congress may hereafter deem proper to admit into the Union, shall be bounded on the south by the States of Illinois, Indiana, and Ohio, as the law may require.

The Senate proceeded to ballot for the committee ordered to be appointed on the message of the President concerning the Ohio and Michigan controversy, when the following Senators were appointed:

Mr. BENTON, Mr. WRIGHT, Mr. CLAYTON, Mr. CRITTENDEN, and Mr. PRESTON.

MICHIGAN SENATORS.

On motion of Mr. BENTON, the Senate proceeded to consider his motion, laid on the table some days since, to extend the courtesy of the Senate to the Senators from Michigan, by assigning them chairs in the Senate.

Mr. BENTON stated that he now proposed to modify his motion by substituting what he would now send to the Chair, which was copied verbatim from the resolution adopted by the Senate when Messrs. Blount and Cocke came here as Senators from the Northwest Territory. The resolution could be found in the 2d volume of the reprint of the Senate Journals, page 269. The only change was in inserting the words "on the floor," which he had added.

The modification was then read, as follows:

That Mr. LYON and Mr. NORVELL, who claim to be Senators of the United States, be received as spectators, and that chairs be provided for that purpose, [on the floor] until the final decision of the Senate shall be given on the application to admit Michigan into the Union.

Mr. EWING moved to strike out the words "on the floor;" which was carried in the affirmative.

Mr. TIPTON. I must claim the indulgence of the Senate a few minutes, to explain the reasons that influence the course I feel it to be my duty to pursue on the question now before us. Coming as I do from a new State, that but a few years ago was knocking at the door of Congress for admission into the Union, as Michigan now is, I cannot consent to give a silent vote that would be thought unkind to the people of that Territory, amongst whom it is my good fortune to have some valuable friends, or uncourteous to the gentlemen sent to represent her in this Senate.

Sir, said Mr. T., I acknowledge the right of the people of the Territory, when they have 60,000 free inhabitants, to form a constitution, and to admission into the Union on an equal footing with the original States, provided the constitution formed by them is republican, and not incompatible with the constitution of the United States. It will be recollected by Senators that, two years ago, I had the honor to urge on the consideration of the Senate a bill providing for taking a census of the people of both Arkansas and Michigan Territories; and if they were ascertained to contain 47,700 inhabitants, federal numbers, the present ratio of representation in the other branch of Congress, to authorize them to form a constitution and State Government. It was not the pleasure of the Senate to adopt the measure I then proposed This I sincerely regretted, and still regret. I feel confident that the passage of this law at that time would have prevented most of the difficulty that has happened in a certain quarter; it would have promoted harmony and good feeling, and taught obedience to the laws; and more, these Territories would have been admitted into the Union, as independent States, at a much earlier day than they now can, under the existing state of things.

The people of Michigan now inform us that they have ascertained, to their own satisfaction, that they have a sufficient number of inhabitants to enable them to form a constitution and State Government, and for their admission into the Union as an independent State; and they present a constitution formed by a convention of that Territory, and demand admittance. The Senator from Missouri has moved the Senate to allow two gentlemen, sent to represent the State of Michigan in the Senate, to take seats in this chamber. He tells us that we owe it to courtesy as well to the people of the Territory as to the two gentlemen sent to represent her. This is very civil, and looks well on paper; but, sir, courtesy is also due to the people of another section of the country, and my constituents come in for a share; and before I can vote seats in this chamber to Senators from Michigan, I must take the liberty of examining her constitution, to ascertain whether it is in conformity to the constitution and laws of the United States, and what territory it embraces within the bounds of the proposed new State.

I find, on examining the first article of her constitution, that Michigan attempts to include within her limits all the territory embraced in the Michigan Territory by an act of Congress of 11th February, 1805, organizing the Michigan Territory. That act establishes the south boundary of that Territory on a line to be drawn due east from the southern bend or extreme of Lake Michigan, and the Michigan convention has overlooked or disregarded an act of Congress of 19th June, 1816, authorizing the people of the Indiana Territory to form a constitution and State Government. This act proposes to establish the north boundary of Indiana on a line drawn east through a point ten miles north of the southern extreme of Lake Michigan, provided that the convention of the people of Indiana would accept and ratify that boundary. The Indiana convention did accept and ratify the boundary thus proposed, and the country between these lines became part and parcel of the State of Indiana.

I find, sir, said Mr. T., that the third section of the fourth article of the constitution of the United States reads thus: New States may be admitted by the Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned as well as of Congress.

I consider it unfortunate for Michigan that her convention has entirely disregarded this provision of the United States constitution. She has set up a claim to a tract of country ten miles wide, north and south, and extending from Lake Michigan to the east boundary of Indiana, over 100 miles. Indiana has been in possession of this part of her territory near twenty years; has laid off counties, built towns, opened roads, and made her local arrangements, and she cannot tamely surrender it up to any power on earth. This claim of Michigan was as unnecessary to her as it was unexpected to us; she is larger without that territory than Indiana is with it. The people residing there have no wish to be included in Michigan—Indiana will never surrender them to her. It is therefore, sir, impossible, under this view of the case, for her to be admitted under the present form of her constitution. I can no more vote seats in this chamber to the gentlemen sent here as her Senators, than to any other gentlemen that may be in attendance here from the Territory. One of her Senators has a right to the privileged seats, in consequence of having been a Delegate in the other House. I would be willing to vote like privileges to the other. Let them come in as spectators, not as Senators.

Let Michigan retrace her steps, and strike from her constitution all that part that claims a portion of the neighboring States, and present herself here, and I will be amongst the first to take her by the hand and welcome her into our great family, the confederacy. Let her come in as a peaceable and good-humored sister; I want no more schisms in our family. What have we lately heard on our borders? We have had flaming general orders, calling on the militia to stand by their arms, to maintain the integrity of certain boundaries that Congress had fixed, and that Congress alone has the right to alter. It is true, sir, that no blood was shed in this tumult, but it is equally true that things there assumed at one time a most alarming aspect.

I am confident, said Mr. T., that, if Michigan be admitted with her constitution in its present form, there will be an appeal to the courts of the country, or, what is far worse, to arms. This will produce a state of things that I am sure every patriot will avoid.

Mr. T. said he had much more to say on this subject, but would suspend further remark to some other opportunity.

Mr. EWING said he would propose to the Senator from Missouri a modification of his motion. Lucius Lyon, on the ground of his having been a Delegate in the other House, had a right to come on the floor of the Senate. No resolution, therefore, is necessary for him. He is already a privileged spectator. As far as that goes, a simple resolution to admit John Norvell as a spectator will be sufficient. He was not willing to do any thing which could be considered as directly or indirectly recognising the claims of Michigan. If the modification were adopted, the whole of the words after the word "resolved" would be stricken out, and the following words inserted:

"That John Norvell be admitted as a spectator."

In this form he would vote for the motion.

Mr. BENTON suggested that his motion was copied from the resolution on the journals. He thought we had better provide chairs.

Mr. HENDRICKS said that he always regretted when an appeal was made to his liberality or courtesy for that which he could not grant, and that this was his present situation. What is the case? said Mr. H. A man comes into my house; he tells me that he has come for the purpose of appropriating to himself a part of my house, or of despoiling me of a portion of my goods; and that he has means in train by which, in his opinion, he will speedily accomplish these objects. But, inasmuch as it will be more convenient to him to attend to this work of spoliation within the house than out of doors, he asks that, through courtesy, I would assign him a seat, and permit him to remain till he can finish his work. Now, said Mr. H., this statement well enough describes the relations, as far as this proposition is concerned, between the two citizens of Michigan and the two Senators from Indiana on this floor. They say that they are Senators from the State of Michigan; that the sovereignty and independence of that State is extended over a large territory of the State of Indiana; that it is their intention to eject the jurisdiction of Indiana from this territory; and that, to enable them more conveniently and more speedily to do this, they ask to be admitted upon the floor of the Senate. Comity should never ask what comity can never grant; and this seems to be a case of that kind.

It has been said on this floor, continued Mr. H., that Michigan is a State *de facto*. But this, with great deference to the opinion, on account of the source whence it comes, he must be permitted to controvert, and to say that he knew of no such case. He inferred, indeed, that no such case could exist, because the constitution says that "no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." Now, sir, said Mr. H., if it had been indispensably necessary that Michigan should become a State, and that the State of Indiana should be partitioned and dismembered for her benefit, comity would have said that she should at least have asked the consent of the Legislature of that State; and the constitution of the United States, as well as comity would also have required the same thing. Comity, too, would have deferred something to the fact that the State of Indiana has been peaceably in the Union for about twenty years, and that, too, with boundaries prescribed and assented to by Congress.

Sir, said Mr. H., I undertake to say that Michigan is not a State, neither *de facto* nor *de jure*, and that she never can be a State with her assumed boundaries. The President of the United States is bound to see that the laws of the Union are faithfully administered, in and over the Territory of Michigan, until the people of that Territory shall have the permission of Congress to pass from a Territorial to a State Government; and no one can doubt that he will faithfully perform that duty. It might, perhaps, be out of place here to say much about the rights, or pretended rights, of Michigan for admission into the Union. He would, however, say that she is not on an equal footing with any of the three States already formed out of the Northwestern Territory. Their boundaries were described by the ordinance of 1787, and by it they were made and called States. In it, too, they had a guarantee that they should be admitted into the Union, with a population each of 60,000 free inhabitants. None of these pre-requisites exist in relation to Michigan. Congress has never yet determined to form any State north of the latitude of the southerly extreme of Lake Michigan.

The people of Michigan petitioned Congress two years ago to do this, but it has never been done. There is no case in existence to which the present condition and attitude of Michigan can be assimilated. That of Tennessee was a much stronger case; but he was willing to accord to the citizens in question all that was granted to the Senators from Tennessee. And what was that? He took it from the pamphlet, furnished as he supposed by a citizen of Michigan, for he had searched no further. It was that they should be "admitted as spectators," until the decision of the Senate on the pending bill. It would not enlarge the present privileges of one of the persons claiming to be received as a Senator from Michigan. That privilege he had already under our rules, in virtue of having been a Delegate in the other House; but it would confer this privilege on the other, who had it not. This much he was willing to do, and no more; and to effect this he offered an amendment to the proposition of the Senator from Missouri, or a substitute, whichever it ought to be considered, (for he had not the proposition before him,) proposing to extend the same privileges of the Senate to the honorable JOHN NORVELL, which, by our rules, are extended to the members of the House of Representatives and the Delegates from the Territories.

Resolved, That the same courtesy be extended to the honorable JOHN NORVELL, as a spectator in the Senate chamber, which, by the rules of the Senate, is now extended to the Delegates of Territories and members of the House of Representatives.

Mr. BENTON said we should be careful, lest the language be construed to expel these Senators altogether. He did not intend to charge any such design, nor would he say that such would be the effect. It was a case in which every man must consult his own bosom. When he came here as a Senator from Missouri, he and his colleague were not entitled to a seat as a right, but the presiding officer gave them seats as a courtesy. We never applied for seats or took them. The case is diferent here. These Senators have presented their credentials, and are bound to wait here until the admission of the State; and there could be no impropriety in their waiting on the same terms as the Senators from Tennessee. But, while the resolution carefully omits any word which can commit any Senator, while every such word is studiously left out, it may be, from the construction of the language, that the Senators from Michigan may think they cannot use the privilege at all, without surrendering their own grounds, and that they may believe that they cannot attend even as spectators in the gallery. He would leave it to gentlemen if it might not be better to give them chairs, and admit them as spectators. If they are allowed to listen to the debates which relate to the diagram of country to which they belong, they might be able to present their views. He had listened yesterday to the speech of the Senator from Ohio, which to him was unanswerable, but these gentlemen from Michigan might have found something to say in reply to it. They should have seats, to enable them to hear what concerns the diagram of country to which they belong, that if any erroneous facts or wrong analogies should be presented, they may furnish the correction. The Senate had better give them chairs, according to the precedent on the journals, and not use words such as might preclude them, by making them suppose they cannot accept the courtesy without the compromise of their rights.

Mr. HENDRICKS said that he could very well appreciate the feelings of delicacy so often mentioned in this discussion. The proposition before the Senate was exclusively one of courtesy and delicacy. He admitted, too, the propriety of prudence and caution in forming opinions about the right of Michigan to be received into the Union as a sovereign and independent State. But, in relation to himself and his colleague, a squeamish delicacy would be entirely out of place. For us to doubt or hesitate about our course or duty, with the constitution of Michigan on our tables, claiming as it does a large district of our State, would be wholly unpardonable. He, for one, had no opinion on this subject to form. He had but one course to take, and that was to resist the admission of Michigan as a State of this Union, at every step, until she expunged from her constitution her unfounded claim upon the territory of Indiana.

The Senator from Missouri had spoken of precedents, and had instanced those of Tennessee and Missouri. But the Tennessee case conferred no greater privilege than that already enjoyed by the honorable LUCIUS LYON, one of the gentlemen in question, in virtue of his having been a Delegate in the House of Representatives, and no greater privilege than that proposed by his amendment to be conferred on the other, the honorable JOHN NORVELL. The precedent of Missouri. And is there any similarity between the case of Missouri and that of Michigan? Surely, none. Missouri was a State, known as such to our laws. She had formed her constitution in pursuance of a law of Congress. She was a State *de jure*, as well as in form and in fact. She presented a constitution unexceptionable. There was no question of boundary; no question about her right of admission as a State. The only question was one involving the power of Congress to attach a condition, after her right to admission had become perfect. Here, in the case of Michigan, the question of State or no State has yet to be settled, as well as the question of boundary, involving, as it does, the integrity of one or more of the States. In relation to other States, where there were no difficult preliminary questions to settle, he believed that no special comity had been shown to the Senators who presented themselves. He referred to the admission of

Ohio, Louisiana, Indiana, and other new States, where the journals showed no resolutions of courtesy to the Senators in attendance before they were sworn as members of the body. He well recollected that the Senators from Indiana did not obtain seats until the joint resolution of admission had passed both Houses, and obtained the appropriate signatures. The precedents which the practice of the Senate in these cases afforded were against the application in the present case.

Mr. BUCHANAN thought more consequence was given to this matter than it deserved. There were some points in this controversy on which, after the fullest examination, he had entirely made up his mind; and one of these was, never, while he had a seat on this floor, to give a vote which would have the effect of disturbing either the territory of Indiana or that of Illinois. Further than this, at present, he would not go. But, having come to this decision, he had as little hesitation to expressing it as the gentleman from Indiana. The State of Michigan now came here and asked admission. It was proper that those who had been sent by her as Senators should be present in this body to hear what was said, and to prosecute the claim in a proper manner. All agree that they shall be admitted in some way, and the only question is, whether chairs shall be assigned to them, or they shall be admitted on the footing of other privileged spectators. It had been said that it would be sufficient to admit Mr. Norvell. He thought so himself; but, as the precedent went further, he would vote with the Senator from Missouri. But, if he were in the situation of that Senator, and the course would be agreeable to the gentleman from Michigan, he would so modify the motion as to make it agreeable to what seemed to be the wish of the Senate. Mr. Norvell might be admitted, and, when admitted, he would have to sit somewhere.

Mr. GOLDSBOROUGH suggested that the motion should be so modified as to admit the gentleman to the privileges of the Senate chamber.

Mr. BENTON suggested that the members of the other House were all privileged to come into the Senate chamber. There were many other privileged persons, and the whole number might be three or four hundred. There were more privileged persons than could get into the chamber, and these gentlemen might be so situated as to be excluded by the press of other persons. If chairs were provided, and a thousand persons were pressing into the chamber, they would be able to go to their chairs.

The question was put on the amendment moved by Mr. Hendricks, and dicided in the affirmative: Ayes 22, noes 18.

The resolution, as amended, was then agreed to.

After taking up sundry bills, and adopting various resolutions lying on the table,

The Senate spent a short time in executive business, and then

Adjourned.

Wednesday, December 23.

NEWSPAPERS TO MEMBERS.

The resolution offered yesterday by Mr. Robbins, concerning the usual supply of newspapers to each Senator, was taken up for consideration.

Mr. KING, of Georgia, read the rule which provides "that all resolutions proposing amendments to the constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings in them, in the Senate, in a similar manner with bills." It was contended by Mr. K. that this resolution came within the meaning of the rule, and ought to have three several readings on three several days.

The CHAIR having placed the same construction on the rule, the resolution was ordered to lie over until to-morrow.

PATENT LAWS.

The resolution offered yesterday by Mr. Prentiss was taken up for consideration.

Mr. PRENTISS modified the resolution by striking out all after the words "circuit court," and inserting the following words: "in all cases where the validity of a right derived from any such patent shall come in question."

The resolution, as modified and agreed to, reads as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of giving to the circuit courts of the United States original jurisdiction, exclusive of the district courts, of the process and proceedings prescribed by law for the repeal of patents for new and useful inventions and discoveries; and also of allowing an appeal to the Supreme Court, by writ of error or otherwise, from the judgment of any circuit court, in all cases were the validity of a right derived from any such patent shall come in question.

The joint resolution introduced by Mr. Morris was read a second time, and referred to the Committee on the Judiciary.

BALLOT FOR CHAPLAIN.

The Senate, according to order, proceeded to ballot for a chaplain.

There were three ballotings: Mr. Higbee and Mr. Harrison were the principal candidates. On the first ballot each of these gentlemen received 12 votes; on the second ballot Mr. Harrison had 16, and Mr. Higbee 15 votes; and on the third ballot Mr. Higbee received 23 out of 38 votes, and Mr. Harrison 14.

The Rev. Mr. Higbee was therefore elected chaplain of the Senate.

Much other usual business was transacted to-day, in the reception of memorials, resolutions, introduction of bills, and the reference of portions of the President's message to the appropriate committees.

The Senate then adjourned.

Thursday, December 24.

After the reception of sundry memorials,

Mr. ROBBINS, in pursuance of notice given, asked and obtained leave, and introduced a joint resolution providing for supplying the members of the Senate with newspapers; which was read, and ordered to a second reading.

SESSIONS OF CONGRESS.

Mr. HENDRICKS offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of fixing, by law, the time of the commencement and close of every succeeding session of Congress.

The resolution having been read,

Mr. HENDRICKS said it would be recollected that, at the last session of Congress, the Committee on the Judiciary had been instructed, on his motion, to inquire into the expediency of fixing, by law, the times of the commencement and close of every succeeding session of Congress. That this subject, owing to the great mass of business before the session, which was a short one, did not receive the action of the committee or the Senate; and it was his intention, at the present time, again to present it for consideration. He earnestly hoped that the present session would not pass away without legislation upon it. He was induced to look into this matter, from the fact of the great disparity in the length of the sessions, which disparity, too, was continually increasing, by the continual increase of the long sessions. The idea of equalizing the sessions, whatever their necessary length might be, seemed to be a reasonable one, and the increasing length of the long session had become a grievance and an evil which ought to be remedied. The third of March, from long usage and custom of this Government, had generally been looked upon as the termination of every Congress. But it was not necessarily so, not being established as such either by the constitution or by law. He stated it as a fact, that, since the first organization under the constitution of the United States, Congress had passed no law on the subject. There was nothing in the statute book about it, and the Senate of the United States had never acted upon it. There was nothing in existence upon this subject but a resolution of the old Congress of the 13th of September, 1788, which was obviously intended as an incipient and temporary regulation; and so the thing has rested ever since.

A glance at the history of this matter, said Mr. H., will be sufficient to show us the propriety of legislating upon it. The convention which formed the constitution of the United States reported that instrument to the Congress of the confederation on the 17th of September, 1787, and on the 28th of the same month Congress resolved that the constitution so reported be transmitted to the States for their ratification. On the 13th of September, 1788, Congress declared that the constitution thus transmitted had been ratified by a sufficient number of the States to give it effect. It was then necessary that measures be taken for the organization of the federal Government under it; and on the same 13th of September, 1788, the Congress of the confederation resolved that the first Wednesday of January next ensuing be the day for appointing electors in the several States which before that day should have ratified the constitution; that the first Wednesday of the ensuing February should be the day appointed for the electors to assemble in their respective States and vote for a President; and that the first Wednesday of March next be the time, and the then seat of Government the place, for commencing the proceedings under the constitution. Now, this first Wednesday of March next, said Mr. H., happened to be the fourth day of March, 1789, and this was the only reason why the fourth day of March, in every second year, has ever since been sanctioned, by usage and custom, as the commencement of the Congressional term; and the reason why the previous day, the third of March, has been considered the close of the term.

And here he remarked that, in this view of the subject, the delicacy felt by many members in protracting the sessions of the third of March beyond midnight was without any good reason: for, taking it for granted that the Congressional term of two years commenced on the 4th of March, the two years would not expire till the same hour of the day on the 4th in which the first session of 1789 was opened. The truth is, said Mr. H., the constitution says nothing about the 4th of March as the commencement of the term; nor does any law, save the resolution of the old Congress before referred to. The constitution merely says that "the House of Representatives shall be composed of members chosen every second year by the people." And in reference to the meeting of Congress, or the commencement of the sessions, it says that "the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

It is obvious, then, that the whole subject is open for legislation. Congress cannot, indeed, say that the Congressional term of two years shall hereafter commence at an earlier day than the 4th of March; because that would infringe upon the constitutional term of the Congress in being when this arrangement should commence; but Congress can say that the commencement of the term shall be on any subsequent day, and that the sessions shall commence at any time thought to be most convenient.

The power, then, of regulating these matters by law being unquestionable, the propriety and necessity of doing so is scarcely less certain. He had said that the increasing length of the long sessions had become an evil which ought to be remedied. For proof of this, it was only necessary to look back a few years upon our journals for the dates of our adjournments. During the last session, Mr. H. said he had procured to be made out a statement showing the commencement and termination, and the number of days, in each session of Congress held under the constitution. A reference to this statement would show that, in the history of this Government, in times of peace, there had been no session at all equal in length to the long sessions of the last two Congresses; the sessions which terminated in 1832 and 1834. The session of 1812, when war was declared, was a few days longer than that of 1832, but the latter was much longer than any other session during the war. The long session of 1798, during our troubles with France, was the longest session since the adoption of the constitution. That, and the one just mentioned, of 1812, were the only sessions of greater length than that of 1832; and these and one other, that of 1790, are the only sessions as long as that of 1834. The long sessions since the last war had all terminated in April and May, save the last two.

There is, Mr. President, much evil in this tendency to perpetual Parliaments. We all know that they are not needed on account of legislative business; for the statute book, the journals, and our documents, show that during a short session as much useful business is generally done as in a long one. High party times, such as we have had for years past, and such as existed in 1798, give occasion for long sessions. Such times have a tendency to protract the sessions that are not limited by law; but, whether for good or for evil, is very questionable. Such times and such sessions are not well calculated to throw oil upon the troubled waters; and party broils and national discords are generally heightened, and often engendered, by lengthy and excited discussions here. A law, then, that would fix the termination of every regular session, giving time enough for all useful discussion and legislative deliberation, is, as I believe, greatly to be desired. The necessary business would then all be done, and probably with much more certainty and accuracy than as the matter now stands. The day of adjournment being fixed, business would be shaped in reference to that day, and much less time would be uselessly disposed of.

He would not, however, further pursue these remarks, but would content himself, for the present, with offering a resolution on the subject, and with moving that the statement referred to be printed.

Mr. WEBSTER rose to state that he concurred in what had fallen from the Senator from Indiana. That gentleman had stated with entire correctness the manner in which every term of the members of the old Congress commenced on the 4th of March, and terminated on the 3d of March, of every second year therefrom. It did not appear on the record of the votes and proceedings of the old Congress that that body adjourned as a matter of necessity, on the 3d or 4th of March. All that appeared was, that Congress, as soon as the constitution was ratified by nine States, as it was their duty to do, put the new Government in operation; and that they were called together, in the city of New York, on the first Wednesday in March, 1789. The first Wednesday happened to be on the 4th of March, and as that day had been fixed, the 4th of March came to be considered as the commencement and end of the term of service of Senators and Representatives, for six and two years, respectively, and not the first Wednesday in March, which would be a variable period. He concurred in the general observations which had fallen from the gentleman from Indiana, but he thought it doubtful whether we could change the day of the commencement of the term of the session, because, since the practice has grown into a law, some of the States have recognised the Congressional term as beginning and terminating on that day, and this cannot be altered. This he suggested without examination of the subject.

But if it was found to be inconvenient in this respect, the chief object of the Senator might still be accomplished. It would be convenient to meet on the first Monday in November, and to give to every alternate session an addition of a month or six weeks. To such a difference in the length of the sessions there could be no objection, because the first session of every Congress is the long one, and, by the rules of the House, in certain stages, the business was continued from session to session, therefore less time was required at the second session. If a law were to be passed fixing both sessions to commence on the first Monday in November, and the second to terminate on the 3d of March, while the first session may be allowed to continue longer, he thought much good might result from the change. He was of the opinion that the present system was an evil, and it would be a great convenience if gentlemen could be able to ascertain precisely the time when their duties here would terminate. With this general concurrence of the views of the Senator from Indiana, he hoped the resolution would be adopted.

Mr. CLAYTON said that there were other reasons than the lateness of the period at which this subject was referred to the Committee on the Judiciary at the last session, for their delay in then recommending to the Senate any alteration in the periods of commencing and terminating the sessions of Congress. It was not understood that a provision for commencing each session on the first of November, as suggested by the gentleman from Massachusetts, would not clash with provisions in some of the States fixing the time of electing Representatives, or render it necessary for those States to alter their constitutions. In some States the election of Representatives in November is provided for by their constitutions. [Mr. Webster said he knew of one—Mississippi.] Mr. C. said there was at least one other, the State he in part represented, although there the election occurred a year before the commencement of each new Congress. How far these constitutional provisions in other cases may form impediments to legislative action on this subject, the committee had not determined, and indeed it would require much consideration of the State laws and constitutions, which have been often changed or modified, to decide upon an unexceptionable measure to equalize the sessions. He was favorable to the object of the resolution, but the committee would not act without full information of the consequences of any measure which might be proposed to attain the end desired; and he desired, in the event of the adoption of the resolution, that a Senator from each State should inform them of the operation of any plan suggested upon his own section of country.

This resolution, which was considered and agreed to, and the statement accompanying it, were ordered to be printed.

Mr. PRESTON, from the Committee on the Judiciary, reported the bill concerning cases of appeals in suits arising out of the revenue laws, with an amendment.

The Senate proceeded to the consideration of executive business; and, after a short time spent therein,

Adjourned till Monday.

Monday, December 28.

ALEXANDRIA MEMORIAL.

Among other memorials presented to day,

Mr. BENTON presented the petition of sundry citizens of Alexandria, District of Columbia, numerously signed, on the subject of the financial condition of that town. The petitioners state, said Mr. B., that the corporate authorities of Alexandria had, to say the least of it, greatly mismanaged the affairs of the town, and that the town had been involved in difficulties and debts beyond its ability to pay; a state of things bearing hard on the middling and industrious classes. The petitioners prayed to be relieved from their Holland debt, and for such other relief in their embarrassments as Congress, in its wisdom, might see fit to grant. Mr. B. presumed that this petition had been put into his hands in consequence of some remarks he made a few days ago on the subject of the District banks, a kindred subject, referring to the embarrassed financial condition of this ten miles square, created, as he believed, by great mismanagement. It was not for him to say any thing in aggravation of the case set out by the petitioners. They were, some of them, no doubt, known to some of the members of the Committee on the District, who would inquire into all the circumstances referred to in the memorial. He would move to refer the petition to the Committee on the District of Columbia; which motion was agreed to.

SUFFERERS BY FIRE IN NEW YORK.

Mr. WRIGHT said he was charged with the presentation of a memorial on behalf of the citizens of the city of New York, and more especially in behalf of that portion of those citizens who were sufferers by the late conflagration in that city. Consequent upon that unexampled calamity, a public meeting of the citizens of the city was called, and a committee of one hundred and twenty-five persons, distinguished for their standing, was appointed to prepare a memorial to Congress for such relief as it might be supposed Congress could afford. The memorial he held had proceeded from that committee, and was signed by its chairman.

Mr. W. said the memorial was too long to authorize him to ask for its reading at the Secretary's table, and he would therefore state, in the condensed language of the memorial itself, the relief prayed for, which was as follows:

1. "A remission or refunding of duties on goods in original packages, which have been destroyed by the late conflagration.

2. "An extension of credit on all the existing bonds for duties payable in this city, and falling due after the 16th of this month.

3. "A general temporary extension of the time of payment of cash and other duties on goods imported into the United States subsequent to the 16th of this month.

4. "An investment of a portion of the unappropriated surplus revenue of the United States, in such periods and such manner as will afford relief to the city of New York."

These, Mr. W. said, were the specific modes of relief prayed for in the memorial. It was not his purpose to consider them at this time; but he felt it to be a duty he owed to his colleague and himself, upon the presentation of this memorial, to trouble the Senate with a single remark. This signal calamity upon a very numerous and most important portion of their immediate constituents had not been unnoticed by them, or failed to excite their most lively anxieties; but upon full deliberation they had believed that they, as the immediate representatives of the State in this body, should best discharge their duties here, and best consult the interests of those who had suffered, to wait any action, so far as action of Congress might be expected, until the specific wishes of those immediately concerned, and therefore most competent to specify their wants, should be made known. That had now been done in the memorial he held in his hand, and he most cheerfully communicated those wishes to the Senate. For the single reason assigned, and for no other, his colleague and himself, up to this time, had remained silent upon this important subject, and had not made any proposition, or in any shape brought the matter to the notice of the Senate.

Mr. W. then moved that the memorial, without a reading, be referred to the Committee on Finance, and that the same be printed.

Mr. **WEBSTER** said he hoped the memorial would be printed with all possible despatch, that the members of the Senate might have an opportunity to read it. It appeared to be a long and reasoned paper, stating the grounds, both of right and expediency, on which relief, in the specified modes, was asked.

These modes were different, and all entitled to much consideration. For the present, he should express an opinion only on one of them, and that was the last. In that, the memorialists asked, substantially, for such an investment of the surplus revenue, or proper portions of it, as would be advantageous to the commercial community of New York. I have regarded this (said Mr. W.) as the most ready, plain, and effectual mode of present relief. It is known that the amount of revenue now on hand, and for which there is no immediate call, is great. It is understood that some millions lie in a single deposite bank in the city of New York, locked up from all public use. The emergency of the case calls for such a disposition of these funds, as that, to a just and proper extent, they may be the basis of a discount, to meet the new created wants of the merchants. Immediate means are wanted, some provision to meet existing obligations, till time shall be allowed for other arrangements, and other dispositions of business. In short, it is a great object to make the money market easy, if possible, during the excitement and the distress occasioned by this great disaster. The Government can readily do much towards producing this effect, without the slightest public inconvenience.

I have heard that the deposite banks cannot discount to the amount of their means, on account of the limitations of their respective charters.

If this be so, I know not why the Secretary of the Treasury might not, without any act of Congress, select other banks, and distribute the fund among them, so that the community might enjoy the fullest benefit to be derived from that source. If two or three banks may be selected, four or five might also, with the same propriety. I am persuaded it is the duty of Congress to act in this matter promptly and efficiently. The Committee on Finance will consider this memorial immediately, and be prepared to recommend to the Senate such measures as may occur to them as being necessary and proper; but I hope it is likely the Senate may only be called on to follow the lead of the other House.

The memorial was referred to the Committee on Finance.

Several bills and resolutions were now successively taken up and appropriately disposed of, without debate; among which

The joint resolution for supplying the members of the Senate with newspapers, was read a second time, and ordered to be engrossed for a third reading.

After spending some time in executive business,

The Senate adjourned.

TUESDAY, DECEMBER 29.

DISTRIBUTIVE LAND BILL.

After the usual preliminary business of the morning had been gone through with,

Mr. **CLAY** rose and addressed the Chair. Although (said he) I find myself borne down by the severest affliction with which Providence has ever been pleased to visit me, I have thought that my private griefs ought not longer to prevent me from attempting, ill as I feel qualified, to discharge my public duties. And I now rise, in pursuance of the notice which has been given, to ask leave to introduce a bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States.

I feel it incumbent on me to make a brief explanation of the highly important measure which I have now the honor to propose. The bill, which I desire to introduce, provides for the distribution of the proceeds of the public lands in the years 1833, '34, '35, '36, and '37, among the twenty-four States of the Union, and conforms substantially to that which passed in 1833. It is, therefore, of a temporary character; but, if it shall be found to have salutary operation, it will be in the power of a future Congress to give it an indefinite continuance; and, if otherwise, it will expire by its own terms. In the event of war unfortunately breaking out with any foreign Power, the bill is to cease, and the fund which it distributes is to be applied to the prosecution of the war. The bill directs that ten per cent. of the nett proceeds of the public lands, sold within the limits of the seven new States, shall be first set apart for them, in addition to the five per cent. reserved by their several compacts with the United States; and that the residue of the proceeds, whether from sales made in the States or Territories, shall be divided among the twenty-four States in proportion to their respective federal population. In this respect the bill conforms to that which was introduced in 1832. For one, I should have been willing to have allowed the new States twelve and a half instead of ten per cent.; but, as that was objected to by the President in his veto message, and has been opposed in other quarters, I thought it best to restrict the allowance to the more moderate sum. The bill also contains large and liberal grants of land to several of the new States, to place them on an equality with others to which the bounty of Congress has been heretofore extended, and provides that, when other new States shall be admitted into the Union, they shall receive their share of the common fund.

The nett amount of the sales of the public lands in the year 1833 was the sum of $3,967,682 55, in the year 1834 was $4,857,600 69, and in the year 1835, according to actual receipts in the first three quarters, and an estimate of the fourth, is $12,222,121 15; making an aggregate for the three years of $21,047,404 39. This aggregate is what the bill proposes to distribute and pay to the twenty-four States on the 1st day of May, 1836, upon the principles which I have stated. The difference between the estimate made by the Secretary of the Treasury and that which I have offered of the product of the last quarter of this year, arises from my having taken, as the probable sum, one third of the total amount of the first three quarters, and he some other conjectural sum. Deducting from the $21,047,404 39 the fifteen per cent. to which the seven new States, according to the bill, will be first entitled, amounting to $2,612,350 18, there will remain for distribution among the twenty-four States of the Union the sum of $18,435,054 21. Of this sum the proportion of Kentucky will be $960,947 41, of Virginia the sum of $1,581,669 39, of North Carolina $988,632 42, and of Pennsylvania $2,083,233 32. The proportion of Indiana, including the fifteen per cent., will be $855,588 23, of Ohio $1,677,110 84, and of Mississippi $958,945 42. And the proportions of all the twenty-four States are indicated in a table which I hold in my hand, prepared at my instance in the office of the Secretary of the Senate, and to which any Senator may have access.* The grounds on which the extra allowance is made to the new States are, first, their complaint that all lands sold by the federal Government are five years exempted from State taxation; secondly, that it is to be applied in such manner as will augment the value of the unsold public lands within them; and, lastly, their recent establishment.

It may be recollected that a bill passed both Houses of Congress, in the session which terminated on the 3d March, 1833, for the distribution of the amount received from the public lands upon the principles of that now offered. The President, in his message at the commencement of the previous session, had specially invited the attention of Congress to the subject of the public lands; had adverted to their liberation from the pledge for the payment of the public debt; and had intimated his readiness to concur in any disposal of them which might appear to Congress most conducive to the quiet, harmony, and general interest of the American people.

After such a message, the President's disapprobation of the bill could not have been anticipated. It was presented to him on the 2d of March, 1833. It was not returned as the constitution requires, but was retained by him after the expiration of his official term, and until the next session of Congress, which had no power to act upon it. It was understood and believed that, in anticipation of the passage of the bill, the President had prepared objections to it, which he had intended to return with his negative; but he did not. If the bill had been returned, there is reason to believe that it would have passed, notwithstanding those objections. In the House it had been carried by a majority of more than two thirds. And, in the Senate, although there was not that majority on its passage, it was supposed that, in consequence of the passage of the compromise bill, some of the Senators who had voted against the land bill had changed their views, and would have voted for it upon its return, and others had left the Senate.

There are those who believe that the bill was unconstitutionally retained by the President, and is now the law of the land. But whether it be so or not, the general Government holds the public domain in trust for the common benefit of all the States; and it is, therefore, competent to provide by law that the trustee shall make distribution of the proceeds of the three past years, as well as future years, among those entitled to the beneficial interest. The bill makes such a provision. And it is very remarkable that the sum which it proposes to distribute is about the gross surplus or balance estimated in the treasury on the 1st of January, 1836. When the returns of the last quarter of the year come in, it will probably be found that the surplus is larger than the sum which the bill distributes. But if it should not be, there will remain the seven millions held in the Bank of the United States, applicable, as far as it may be received, to the service of the ensuing year.

It would be premature now to enter into a consideration of the probable revenue of future years; but, at the proper time, I think it will not be difficult to show that, exclusive of what may be received from the public lands, it will be abundantly sufficient for all the economical purposes of Government in a time of peace. And the bill, as I have already stated, provides for seasons of war. I wish to guard against all misconception by repeating, what I have heretofore several times said, that this bill is not founded upon any notion of a power in Congress to lay and collect taxes, and distribute the amount among the several States. I think Congress possesses no such power, and has no right to exercise it until some such amendment as that proposed by the Senator from South Carolina [Mr. Calhoun] shall be adopted. But the bill rests on the basis of a clear and comprehensive grant of power to Congress over the Territories and property of the United States in the constitution, and upon express stipulations in the deeds of cession.

Mr. President, I have ever regarded with feelings of the profoundest regret the decision which the President of the United States felt himself induced to make on the bill of 1833. If it had been his pleasure to approve it, the heads of Departments would not now be taxing their ingenuity to find out useless objects of expenditure, or objects which may be well postponed to a more distant day. If the bill had passed, about twenty millions of dollars would have been, during the last three years, in the hands of the several States, applicable by them to the beneficent purposes of internal improvement, education, or colonization. What immense benefits might not have been diffused throughout the land by the active employment of that large sum! What new channels of commerce and communication might not have been opened! What industry stimulated, what labor rewarded! How many youthful minds might have received the blessings of education and knowledge, and been rescued from ignorance, vice, and ruin! How many

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* The following is the table referred to by Mr. Clay:

Statement showing the dividend of each State (according to its federal population) of the proceeds of the public lands, during the years 1833, '4, *and* '5, *after deducting from the amount* 15 *per cent. previously allowed to the seven new States.*

States.	Federal population.	Share for each State.	15 p. ct. to new States.	Total to new States.
Maine, -	399,437	$617,269		
N. Hampshire	269,326	416,202		
Massachusetts	610,408	943,293		
Rhode Island,	97,194	150,198		
Connecticut,	297,665	459,996		
Vermont, -	280,657	433,713		
New York, -	1,918,553	2,964,834		
New Jersey,	319,922	494,391		
Pennsylvania,	1,348,072	2,083,233		
Delaware, -	75,432	116,568		
Maryland, -	405,843	627,169		
Virginia, -	1,023,503	1,581,669		
N'th Carolina,	639,747	988,632		
S'th Carolina,	455,025	701,495		
Georgia, -	429,811	664,208		
Kentucky, -	621,832	960,947		
Tennessee, -	625,263	966,249		
Ohio, -	935,884	1,446,266	230,844	1,677,110
Louisiana, -	171,694	265,327	67,561	332,888
Indiana, -	343,031	530,102	325,485	855,588
Illinois, -	157,147	242,846	483,760	726,606
Missouri, -	130,419	201,542	174,354	375,897
Mississippi, -	110,358	170,541	788,403	958,945
Alabama, -	262,508	405,666	541,940	947,607

[Fractions of dollars are omitted in the above sums.]

descendants of Africa might have been transported from a country where they never can enjoy political or social equality, to the native land of their fathers, where no impediment exists to their attainment of the highest degree of elevation, intellectual, social, and political! where they might have been successful instruments, in the hands of God, to spread the religion of his Son, and to lay the foundations of civil liberty!

And, sir, when we institute a comparison between what might have been effected, and what has been in fact done, with that large amount of national treasure, our sensations of regret, on account of the fate of the bill of 1833, are still keener. Instead of its being dedicated to the beneficent uses of the whole people and our entire country, it has been an object of scrambling amongst local corporations, and locked up in the vaults or loaned out by the directors of a few of them, who are not under the slightest responsibility to the Government or people of the United States.. Instead of liberal, enlightened, and national purposes, it has been partially applied to local, limited, and selfish uses. Applied to increase the semi-annual dividends of favorite stockholders in favorite banks! Twenty millions of the national treasure are scattered in parcels among petty corporations; and whilst they are growling over the fragments, and greedy for more, the Secretaries are brooding on schemes for squandering the whole.

But, although we have lost three precious years, the Secretary of the Treasury tells us that the principal is yet safe, and much good may be still achieved with it. The general Government, by an extraordinary exercise of executive power, no longer affords aid to any new works of internal improvement. Although it sprung from the Union, and cannot survive the Union, it no longer engages in any public improvement to perpetuate the existence of the Union. It is but justice to it to acknowledge that, with the co-operation of the public-spirited State of Maryland, it effected one national road having that tendency. But the spirit of improvement pervades the land, in every variety of form, active, vigorous, and enterprising, wanting pecuniary aid as well as intelligent direction. The States have undertaken what the general Government is prevented from accomplishing. They are strengthening the Union by various lines of communication thrown across and through the mountains. New York has completed one great chain. Pennsylvania another, bolder in conception, and far more arduous in the execution. Virginia has a similar work in progress, worthy of all her enterprise and energy. A fourth, farther south, where the parts of the Union are too loosely connected, has been projected, and it can certainly be executed with the supplies which this bill affords, and perhaps not without them.

This bill passed, and these and other similar undertakings completed, we may indulge the patriotic hope that our Union will be bound by ties and interests that render it indissoluble. As the general Government withholds all direct agency from these truly national works, and from all new objects of internal improvement, ought it not to yield to the States, what is their own, the amount received from the public lands? It would thus but execute faithfully a trust expressly created by the original deeds of cession, or resulting from the treaties of acquisition. With this ample resource, every desirable object of improvement, in every part of our extensive country, may, in due time, be accomplished. Placing this exhaustless fund in the hands of the several members of the confederacy, their common federal head may address them in the glowing language of the British bard, and

> "Bid harbors open, public ways extend,
> Bid temples worthier of the God ascend.
> Bid the broad arch the dangerous flood contain,
> The mole, projecting, break the roaring main.
> Back to his bounds their subject sea command,
> And roll obedient rivers through the land."

The affair of the public lands was forced upon me. In the session 1831-'2 a motion from a quarter politically unfriendly to me was made to refer it to the Committee of Manufactures, of which I was a member. I strenuously opposed the reference. I remonstrated, I protested, I entreated, I implored. It was in vain that I insisted that the Committee on the Public Lands was the regular standing committee to which the reference should be made. It was in vain that I contended that the public lands and domestic manufactures were subjects absolutely incongruous. The unnatural alliance was ordered by the vote of a majority of the Senate. I felt that a personal embarrassment was intended me. I felt that the design was to place in my hands a many-edged instrument, which I could not touch without being wounded. Nevertheless, I subdued all my repugnance, and I engaged assiduously in the task which had been so unkindly assigned me. This, or a similar bill, was the offspring of my deliberations. When reported, the report accompanying it was referred by the same majority of the Senate to the very Committee on the Public Lands to which I had unsuccessfully sought to have the subject originally assigned, for the avowed purpose of obtaining a counteracting report. But, in spite of all opposition, it passed the Senate at that session. At the next, both Houses of Congress.

I confess I feel anxious for the fate of this measure, less on account of any agency I have had in proposing it, as I hope and believe, than from a firm, sincere, and thorough conviction that no one measure ever presented to the councils of the nation was fraught with so much unmixed good, and could exert such powerful and enduring influence in the preservation of the Union itself, and upon some of its highest interests. If I can be instrumental, in any degree, in the adoption of it, I shall enjoy, in that retirement into which I hope shortly to enter, a heart-feeling satisfaction and a lasting consolation. I shall carry there no regrets, no complaints, no reproaches, on my own account. When I look back upon my humble origin, left an orphan too young to have been conscious of a father's smiles and caresses, with a widowed mother, surrounded by a numerous offspring, in the midst of pecuniary embarrassments, without a regular education, without fortune, without friends, without patrons, I have reason to be satisfied with my public career. I ought to be thankful for the high places and honors to which I have been called by the favor and partiality of my countrymen, and I am thankful and grateful. And I shall take with me the pleasing consciousness that, in whatever station I have been placed, I have earnestly and honestly labored to justify their confidence by a faithful, fearless, and zealous discharge of my public duties. Pardon these personal allusions. I make the motion of which notice has been given.

Leave was then granted, and the bill was introduced, read twice, referred to the Committee on the Public Lands, and ordered to be printed.

EXECUTIVE PATRONAGE, &c.

Mr. CALHOUN, pursuant to notice, asked and obtained leave to introduce the following bills:

A bill to repeal the first and second sections of the act limiting the terms of service of certain officers therein named, &c.

A bill to regulate the public deposites.

Also, a joint resolution to amend the constitution, so as to provide for a distribution of the surplus revenue.

REDUCTION OF THE REVENUE.

Mr. CALHOUN offered the following resolution:

Resolved, That the report of the Secretary of the

Treasury of the 15th instant, relative to the duties that may be reduced or repealed, be referred to the Committee on Manufactures, with instructions to report a bill providing for the reduction or repeal of all duties which, in their opinion, may be reduced or repealed consistently with a due regard to the manufacturing interest.

Mr. CALHOUN, on offering this resolution, adverted to the immense surplus which was daily accruing in the public treasury, to which we must look for an immense increase of power in the hands of the executive Government, and the overspreading of the country with corruption and subserviency. This was not a proper occasion to discuss the actual condition of the treasury; but, if it were, it would not be difficult to show that the actual surplus in the treasury was now from twenty-one to twenty-two millions, and that in the coming year it would be scarcely short of thirty millions. With this immense revenue at the disposal of the President, in banks under his control, and subject to be withdrawn at his discretion, it would be in vain, all our efforts would be impotent, to oppose the executive will. On this point, therefore, the battle would have to be fought between power and liberty. All other measures which could be devised would fall short of correcting the danger to be apprehended from the march of power. But if all those who were opposed to the usurpations of the Government could be brought zealously to unite in arresting the funds arising out of the revenue, as far as they could, in their passage to the public treasury, and would snatch from the grasp of the Executive the funds which have already accumulated in his hands, there would be still ground for the hope that the course of power would be stayed. Every dollar we can prevent from coming into the treasury, or every dollar thrown back into the hands of the people, will tend to strengthen the cause of liberty, and unnerve the arm of power. He hoped that the Committee on Manufactures would take up the report with an earnest desire to repeal and reduce all those duties that can be reduced or repealed without injury to the manufacturing interest. In doing this they will then feel that they are not only aiding in the cause of reform, as far as it can be assisted by these means, but that they are also contributing to the prosperity of that particular interest of which they are the special guardians; since every reduction of duty, and every tax removed, while it cheapens the cost of production at home, and thus benefits our own manufacturer, will open the prospect of securing the foreign market. As there will be the two interests thus concurring to favor reduction, he hoped the Committee on Manufactures would consider the subject, and report, at as early a period as possible, all the reductions which can be made without injury to the manufacturing interest.

Mr. DAVIS said he was not quite prepared to vote at once for the proposition of the gentleman from South Carolina. It had come upon him suddenly, and he was not prepared to understand the exact extent of the proposition, as he had not in his mind the precise propositions of the Secretary of the Treasury on the subject. Therefore, he was rather unwilling to vote for an instruction to the committee; for it would seem that this was not in the shape of an inquiry, but a peremptory instruction, touching an interest of the first magnitude, and a measure of a very important character which was adopted a few years since. He hoped the Senate would not be called on to vote an instruction of this importance before they had time to examine its character. He had only risen to express the hope that the Senator from South Carolina would not press his resolution at this moment.

Mr. CALHOUN replied that there could be no difficulty on the subject. The Committee on Manufactures would have to examine and ascertain what duties might be reduced or repealed. The Secretary of the Treasury had recommended some, and given a list of others, and it was for the committee to investigate the subject. He would not wish to touch a single article that could injure the manufacturer.

Mr. DAVIS suggested that he might probably concur in all the views of the Senator from South Carolina, if he had time to look into the report; but at present he would only ask that the resolution be permitted to lie on the table until to-morrow.

Mr. CALHOUN assented to the request, and the resolution was laid on the table.

NEWSPAPERS TO MEMBERS.

The resolution to supply the Senators with the usual newspapers was read a third time, and, on the question of its passage, Mr. KING, of Georgia, after a few remarks in opposition, asked for the yeas and nays; which were ordered.

Mr. KNIGHT, in consequence of the absence of Mr. Robbins, the mover, moved to lay the resolution on the table; but the motion was negatived: Ayes 15, noes 22.

The question was then taken on the passage of the resolution, and decided as follows:

Yeas—Messrs. Brown, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, Knight, Leigh, Linn, McKean, Moore, Naudain, Niles, Preston, Prentiss, Porter, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Wright—31.

Nays—Messrs. Benton, King of Alabama, King of Georgia, Morris, Ruggles, Shepley, White—7.

Several bills were introduced and ordered to a second reading; when,

On motion of Mr. DAVIS, the Senate proceeded to the consideration of executive business; after which,

The Senate adjourned.

Wednesday, December 30.

REDUCTION OF THE REVENUE.

Mr. DAVIS moved that the resolution of the Senator from South Carolina, [Mr. Calhoun,] (to instruct the Committee on Manufactures to report a bill to reduce certain duties on imports,) which was yesterday laid on the table on his motion, be taken up. Mr. D. said that, having given the resolution a careful examination, he found that it was not so extensive in its bearings as he had supposed—that its object was merely financial—and that, consequently, he had no objection whatever to its passage.

Mr. CLAY said that, in the room of making it a matter of positive instruction, he would rather that it should be sent to the committee as a subject of inquiry. He did not suppose that the Senator from South Carolina and himself would finally disagree. It would be very easily discovered by any one who took the trouble of looking, that the two principal objects of duty were wine and silks—they could very well bear the collection of such duty—still, if there was no necessity for its collection, arising out of the wants of the Government, neither of these articles should bear it. He merely wished for an opportunity to examine and judge for himself; and, so long as there was a certain and abundant supply in the public exchequer, the resolution would meet with no opposition from him. It was his desire, as, in the event of the passage of the bill which he introduced yesterday, it might be necessary to retain the duties on wines and silks, to make some further examination. He would move that the usual words should be inserted, "to inquire into the expediency," &c.

Mr. CALHOUN said that was already done. The resolution directed the committee first to inquire and then to report. If, continued Mr. C., the land bill introduced by the Senator from Kentucky should pass, there would still remain a large surplus in the public treasury. The amount there already was twenty-one or twenty-two millions, and by the end of the first quarter of the coming year that amount will have swelled to thirty millions. If, as the Secretary of the Treasury had stated, the expenditures can be reduced to thirteen millions, there would be ample funds in the treasury, unless the reductions of duty should go far beyond what he had imagined.

He wished to impress upon the Senate the importance of two considerations: first, that there was an immense surplus in the public exchequer, which might be employed for the degrading purposes of bribery and corruption; and, secondly, that, by a timely and liberal reduction, all conflicting interests might be reconciled before the crisis which might be expected in 1842-'3. Every cent removed from the hands of Government is so much added to the wealth of the whole people. It cheapens production, and thus, by allowing a field for competition, it opens the foreign market at a shorter period.

Mr. CLAY said that the difference between himself and the honorable Senator was very trifling. Like him, he (Mr. C.) had looked a little into the subject of our finances. He believed with him that there were twenty-one millions in the treasury, and that at the end of the first quarter of the ensuing year, with the seven millions coming from the Bank of the United States, the surplus revenue would amount to thirty millions. He perfectly concurred with him in the propriety of repealing all duties, so far as it could be done consistently with the interests of the manufacturer. But, sir, (said Mr. C.,) how many of the forty-five or forty-eight Senators here have looked into the matter as the Senator from South Carolina has done, and arrived with him at the same conclusion. They should not be called upon by a resolution, presented in either an unusual form and at an early period of the session, to vote at once, without reflection or examination, for the repeal of every duty. He did not wish so to commit himself.

Mr. CALHOUN said that if any doubt of the ability of the treasury to meet all demands upon it should arise during the progress of this bill, he would then move to lay it upon the table, or to refer it to the Committee on Finance.

Mr. CLAY said that, with these pledges, he certainly should not oppose the motion.

The resolution was then agreed to.

JOINT LIBRARY COMMITTEE.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed a joint resolution for the appointment of a Committee on the Library; and that the House had appointed Messrs. LOYALL, MCKEAN, and WADDY THOMPSON, as the committee on their part.

On motion of Mr. ROBBINS, the resolution was concurred in; and Messrs. PRESTON, PORTER, and ROBBINS, were chosen, by ballot, as the committee on the part of the Senate.

EXECUTIVE PATRONAGE.

The bill to repeal the 1st and 2d second sections of an act to limit the terms of office of certain officers therein named was read a second time, and made the special order for the second Monday in January.

The bill to regulate the deposites of the public money was read a second time, and made the special order for the second Monday in January.

The joint resolution proposing to amend the constitution was read a second time, and made the special order for the third Monday in January.

JUDICIAL SYSTEM.

A bill supplementary to the act to amend the judicial system was taken up as in Committee of the Whole; when

Mr. LEIGH, suggesting that the gentleman who had introduced the bill [Mr. BLACK] was not in his seat, and as the bill was an important one, and it was proper that the Western Senators should have an opportunity to examine it, moved to postpone its further consideration, and make it the special order for Monday next.

The motion was agreed to.

When some other business had been disposed of,

On motion of Mr. TIPTON, the Senate proceeded to the consideration of executive business; and after a short time the doors were reopened, and

The Senate adjourned.

THURSDAY, DECEMBER 31.

HOSPITALS ON THE OHIO RIVER.

Mr. HENDRICKS presented the memorial of the General Assembly of the State of Indiana, on the subject of hospitals within that State for the relief of sick and disabled persons employed in navigating the Ohio and Mississippi rivers. He said that, in this memorial, the Legislature represented the strong necessity, as well as the humanity, of providing these receptacles for the sick and disabled navigators of the Western waters. The necessity for this measure (Mr. H. said) was peculiarly strong and pressing. For this class of men, it could scarcely be affirmed that there was any provision at all in existence, while the protecting arm and the fostering care of the Government had always been extended in aid of the sick and disabled seamen both of the navy and of our commercial marine. It was true that the boatmen and raftmen of the Ohio and Mississippi rivers were properly entitled to the benefits of the several acts of Congress for the relief of sick and disabled seamen engaged in foreign commerce and in the coasting trade; but so defectively supplied were the Western waters with hospitals and asylums for the sick, that these benefits had seldom been felt. In the foreign commerce and in the coasting trade, although there may be scanty provision made in hospitals on shore, yet these men are almost always afloat. The vessels in which they are employed are receptacles for them, and their shipmates are companions around them. They have generally society and comfort to some extent. But often it is not so with the boatmen of the West. The very boat in which they have descended, when at the termination of their voyage, if a flat boat, has to be abandoned, no matter where that may be, or in what condition they are. Anxiety to return home generally deprives them of all their companions. These men are constantly landed and left destitute on the banks of those rivers, often amongst a population unable, and sometimes unwilling, to take care of them; for, however humane and hospitable the people of the West are, (and there are none more so,) the frequent repetition of these acts of kindness becomes a burden insupportable.

These men so left are generally destitute of medical aid, and frequently of the most ordinary attentions and comforts of life. They go from high and healthful latitudes to southern and sickly climates. The change of their habits, as well as of climate, was generally greater than that of seamen; the trade in which they were engaged was that of transporting their own produce and that of the country to the lower markets, and this was necessarily carried on in the spring and summer seasons of the year, when they were most susceptible of the diseases which prevail on the waters of the Mississippi and the South. The people of the West engaged in this river trade were exposed to more and perhaps greater casualties than any other in the world; and there was no class whose occupation and business contributed more largely to the prosperity of the Union, and especially of the West, than this class of our citizens. Not only were they exposed to sickness and death, without the usual comforts of the last hour, but they were subjected also to an almost innumerable train of evils, exposures, and casualties; boats getting aground; running upon snags and sawyers; sinking, from these and various other causes, when the greatest danger and exposure of health for the preservation of property takes place; and if this be hopeless, there is the still greater peril of life. In addition to these, there are the casualties by steam, the bursting of boilers, the crushing of boats against each other by night, and the more terrible and appalling disasters of fire and storm. These are some of the evils and dangers to which this whole class of men are exposed, and which many of them suffer.

And how numerous is this class? And how large a population and extent of country are closely identified with their prosperity and business? This class of men are the bone and sinew of more than four millions of people. They are the farmers and farmers' sons of the whole valley of the Mississippi, engaged in the laudable and valuable business of transporting their own produce to market, and in the transportation of the entire commerce of the West. They are closely and intimately identified with a country of great extent; the whole country beyond the mountains; a country much larger than the residue of the United States; a country perhaps unequalled in resources; in the fertility of its soil; the navigation of its rivers; the internal commerce which it creates and sustains; the rapidly increasing magnitude of its population, and the maximum of which it is susceptible; unequalled in these particulars, in all probability, by any other region of the earth of the same extent. I take this occasion (said Mr. H.) to say to the Committee of Commerce, to which I wish this memorial referred, that this is an important interest of the Western country; one in the hands, and especially so, of the federal Government. I tell the committee and the Senate that its importance within the last few years has increased into a ratio far beyond the increase of the the population and the commerce of the country.

The cholera, so prevalent on the Mississippi and its tributary streams, has given this subject of late years an importance and a magnitude almost indescribable. The want of these hospitals scatters the cholera, and distributes it in the neighborhoods and villages of these rivers; whereas, if erected, they would aid in concentrating and extinguishing it, by collecting its patients together, and preventing their intercourse with society. A man known to a boat's crew to have the cholera is put on shore wheresoever he can, by persuasion or stratagem, be deposited. He produces consternation wherever left, is neglected or abandoned, and dies. Thus the cholera is spread upon these rivers among the citizens on shore, and its fatality is greatly increased among the river-faring men themselves. The Committee of Commerce cannot be engaged in a work of patriotism and devotion to the best interests of the country of more importance, in a work of benevolence and humanity more broad and expansive. This subject has been greatly neglected.

He did not stand alone in these opinions. The Secretary of the Treasury had pressed this matter upon the attention of the last session of Congress. He tell us, in his report, that the laws for the relief of sick and disabled seamen should be revised; that hospitals should be built, and that the fund should be made more productive; that, instead of yielding about $30,000 a year, it ought to produce $180,000. A fair dividend of these operations of philanthropy on the Ohio and Mississippi rivers would be productive of the most beneficial results. It would produce sanatary regulations which would be the means of saving thousands of lives perhaps every year, and of checking and controlling, in some measure, the cholera—that minister of desolation—amongst us.

On this subject (continued Mr. H.) efforts had been unceasing for several years past. This was the third time it had been placed before the Senate by himself: last session by the same memorial which he now presented, and the previous session by a resolution, which, on his motion, had been adopted by the Senate. He hoped that the Legislatures and the Representatives of the Western States would not cease to importune Congress until they obtained on this subject some beneficial regulation. It had been referred to the Committee of Commerce of the Senate at the last and previous sessions. A bill was reported last winter in the other House. It was, however, insufficient in its provisions. It did not contain any appropriation for hospitals above the mouth of the Ohio. It was his intention to have proposed an amendment to it in the Senate, if not amended in the House, but it never reached this body. The practice of the Committee of Commerce for years past, in waiting for bills from the other House, had, as it seemed to him, been deleterious to much useful business; he hoped it would not be so at the present session, but that this subject would at least be taken up and acted on by the committee of the Senate. The want of money was not at this time a consideration. We had enough, and more than we knew what to do with; and there was surely no object more deserving the appropriation of a few thousand dollars than that of erecting hospitals for the relief of sick and disabled seamen and river-faring men.

He moved the reference of the memorial to the Committee of Commerce; and it was so referred.

On motion of Mr. GRUNDY, it was

Resolved, That when the Senate adjourn, it adjourn to meet on Monday next.

The resolutions on the table were severally considered and adopted.

Agreeably to the resolution offered on Wednesday last in relation to the Patent Office, Messrs. RUGGLES, PRENTISS, and HILL, were chosen members, on the part of the Senate, of the joint committee ordered by said resolution.

Mr. PRESTON being absent, the resolution in regard to the regulation of the Senate chamber was, on motion of Mr. TIPTON, laid on the table.

The bill concerning writs of error and judgments arising under the revenue laws was read a third time; when

Mr. WEBSTER made a few observations on the character of the measure, approving of the general tendency, but desiring some explanations which rendered him desirous, as Mr. PRESTON was absent, to have the bill laid over for the present.

The bill was then, on his motion, laid on the table until Monday.

A bill for the relief of Commodore Isaac Hull was considered as in Committee of Whole, and, after a few remarks from Messrs. SHEPLEY and SOUTHARD, was, on motion of the latter, laid on the table.

Several other bills were taken up in the course of the day, and appropriately disposed of; after which

The Senate adjourned to Monday.

MONDAY, JANUARY 4.

BANK OF THE METROPOLIS.

Mr. KENT moved to take up the memorial of the president and directors of the Bank of the Metropolis, praying for a recharter, and refer it to the Committee on the District of Columbia.

Mr. **BENTON** said he should to-morrow submit a resolution to refer the memorials of all these banks to a select committee. He wished an inquiry instituted into the affairs of these banks: the manner in which their business had been conducted, the amount of capital employed, and if necessary for the commercial wants of the District. He preferred that the memorial should lie on the table till to-morrow.

Mr. **KENT** expressed the hope that the gentleman would permit the memorial to take the usual course.

Mr. **BENTON** said that, in order that the Senate might not be taken by surprise, he would inform the Senate that he intended to-morrow to make a motion to go into an investigation of the concerns of these banks. He should move for a pretty extensive committee. He would not repeat in the Senate the charges he had heard against these banks. But if a tithing of what he had heard concerning them was true, those petitioners ought to have leave to withdraw their petitions.

The petition was then referred to the Committee on the District of Columbia.

JUDICIAL SYSTEM.

The bill supplementary to the act entitled an act to amend the judicial system of the United States was taken up as the special order of the day.

Mr. **CLAYTON** said this bill had passed the Senate at the last session, by a vote of thirty-one to five. The plan adopted in the bill, he thought, was not the best possible plan that might have been adopted; and he was one of the five that had voted against it at the last session. But the subject had been before Congress a number of years, and the action upon it had been greatly procrastinated. He was, under existing circumstances, at present disposed to acquiesce in its provisions and vote for the bill. It was not necessary, as the bill had been acted on at the last session, to go into a discussion of the merits of it.

Mr. **GOLDSBOROUGH** suggested an amendment as to the day of holding the courts, so as to make the "first of May" read "the first Monday of May," &c.

Mr. **CLAYTON** said it had been intended by the committee that it should read as the gentleman [Mr. GOLDSBOROUGH] had suggested, and that its not reading so was perhaps a clerical error. Mr. GOLDSBOROUGH's amendment was agreed to.

Mr. **BLACK** moved an amendment, by striking out "Natchez," and inserting "Jackson;" and made some remarks in favor of it.

Mr. **CLAYTON** stated he had no objection to it.

Mr. **PORTER** thought the increase of travelling by the judges, which would be caused by the amendment offered by the gentleman, [Mr. BLACK,] would make the performance of their duty very heavy on them.

Mr. **BLACK** said it was only forty-five miles from Pittsburg to Jackson, and a daily mail was now running between those places; also, that a railroad would soon be completed on that route, which he thought would meet the objection of the gentleman from Louisiana, [Mr. PORTER.]

Mr. **BUCHANAN**, for one, would be willing to take the suggestion of the gentleman from Mississippi, [Mr. BLACK.] But he would suggest, himself, that a good deal of commercial and maritime business accrued at Natchez; many matters of small amount were litigated there, and he thought it would be burdensome to the parties to oblige them to follow their small claims to Jackson.

Mr. BLACK's amendment was agreed to.

Mr. **KING**, of Alabama, said, of the district of Pennsylvania and other districts one circuit had been formed in the bill, as he understood it. As the law now stood they were divided into several districts. He wished to know whether the same judge was to hold courts in the two districts in Pennsylvania. There was a clause in the bill which gave a direct appeal from the circuit to the district courts. He would like to know, also, whether Pennsylvania was included in that provision; and spoke of Mobile as an eligible point for a circuit court to be established in Alabama.

Mr. **PORTER** said, if the gentleman from Alabama [Mr. KING] could show the Senate that the one judge could not perform the duties in his district, he (Mr. P.) would be willing to modify the bill to meet his views.

Mr. **KING**, of Alabama, did not wish to throw any obstacles in the way of the passage of the bill. He thought a point somewhere between the northern and southern division in his district would best accommodate the State he represented. Business would naturally go to the central point, and it would be a saving in the mileage of witnesses, &c. He would like the modification.

Mr. **LEIGH** said he understood there were two district courts in Alabama. His purpose was to extend the jurisdiction of the circuit courts over the whole State. He would suggest an amendment, which he thought would meet the views of the gentleman, [Mr. KING, of Alabama,] which was to strike out "southern district" and insert the "several districts." That would place Alabama in the same situation with North Carolina. He would therefore move to amend it; which was agreed to.

Mr. L. suggested another amendment, to make the bill correspond with North Carolina and Virginia; which was to make it read "the district of Maryland, the eastern district of Virginia, and the district of North Carolina."

Mr. **PORTER** moved to insert, after the word "Delaware," the words "eastern district of Pennsylvania;" which was agreed to.

Mr. **CLAYTON** moved to make Delaware read "the district of Delaware;" which was agreed to.

Mr. **KING**, of Alabama, moved to strike out the word "southern," in the third section; which was agreed to.

Mr. **WRIGHT** felt as if he and his colleague would be very inexcusable were they to let the bill pass in its present shape. Mr. W. set forth, at some length, the particular objections to the bill, as related to New York. He would not propose an amendment now; but before the bill was ordered to be engrossed, he wished to reserve the right to offer an amendment.

Mr. **PORTER** said that, as this bill had progressed so far towards its final passage, he would suggest to the gentleman from New York [Mr. WRIGHT] the propriety of bringing in another bill embracing his object. In the Western country, they thought this bill had been much delayed. He felt anxious for the early passage of it.

Mr. **CLAYTON** suggested another amendment, to correspond with the amendment already made in relation to Alabama.

Some conversation between Mr. **LEIGH** and Mr. **CLAYTON**, respecting the amendment of Mr. CLAYTON, took place, when

Mr. **CLAYTON** said he would take occasion to state he was willing to co-operate with the gentleman from New York [Mr. WRIGHT] in a separate bill for the regulation of the western district of New York, and thought he (Mr. W.) had better let this bill pass.

Mr. **WRIGHT** could not comply with the request of the gentleman from Delaware, [Mr. CLAYTON.] The bill had come up before he had anticipated it. He would, however, convince the Senate of the propriety of the amendment he would offer. He would venture to say that the judge would never pass through his circuit without passing through Albany, either going or returning. He spoke of the vast amount of business that originated in the city of New York, for the United States court. He objected to a separate bill. His constituents would complain, and ask why they were taxed with a separate bill, when a general bill had passed. The amendment he should propose would adopt the feelings of his constituents. He did not say so by way of threat, but by way of persuasion. Mr. W. then moved to insert after the word "hereafter," in the ninth line of the first section, the words "the districts of Vermont, Connecticut, and New York, shall constitute the second district."

Mr. CLAYTON observed that, as this amendment was pressed by the Senator from New York, he would not oppose it. He would, however, ask the honorable Senator if he had sufficiently considered the details of the bill, and how far the amendment would interfere with them. He should regret if the bill was retarded by the amendment. He would also ask whether the judge who is to perform the duties contemplated by the amendment would be willing to encounter the additional labor, and whether he had not already as much business as he could attend to. He was willing, however, to take the amendment as offered by the gentleman from New York, leaving it to him to make such other amendment as the details of the bill rendered necessary.

Mr. WRIGHT was aware that some additional amendment, as to the time and place of holding the court, would be necessary; and if the amendment should be adopted, he or his colleague would submit the proper motion.

Mr. KING, of Alabama, observed that, as the Senator from New York had thought proper to introduce this amendment, other Senators coming from States where there was no more than one district judge might be induced to offer a similar amendment. Why, he asked, was not this inconvenience as regards New York thought of before? He asked the Senator if it was right at this time to throw obstacles in the way of a bill so important to the new States—a bill fraught with a measure which he conceived they had a constitutional right to, which they had been so long contending for, and which they were now about to obtain? He hoped the amendment would not be pressed at this time. If, hereafter, the gentleman, on finding that the judge can perform the additional duties required, chooses to introduce the measure in the shape of a separate bill, he would most readily extend to him the helping hand. But he trusted that a bill which was to render the judiciary system uniform throughout the Union, which the new States had endeavored year after year to get through, would not be embarrassed by obstacles thrown in its way, when it was about to pass. He should vote against the amendment, though he hoped it would be withdrawn.

Mr. PORTER said he felt very much embarrassed at the situation in which he had been placed by the amendment. He was favorably disposed towards the objects it contemplated, though he feared it might somewhat embarrass the important measure before them. He did hope that the gentleman from New York would not press the amendment at this stage of the business; that he would not throw obstacles in the way of an important measure, by tacking to it objects that might be accomplished in a separate bill. This bill had been before the Senate at the last session, and if the claims of New York were so very strong, and the inconveniences under which she suffered were so great, surely they ought to have occurred to the gentleman then. He felt, however, that, in opposing the amendment, his hand was on the lion's mane. There were forty-two members from New York in the other House, and he feared that if the bill passed without the amendment, it would be greatly embarrassed there. He was confident that the gentleman did not intend this, but he feared that such would be the effect. The bill was lost the last year in consequence of the amendments that delayed it. Perhaps the Senator from Pennsylvania might be enlightened, and think that a similar amendment was necessary for his State, and, in moving it, occasion further embarrassment to the bill.

Mr. WRIGHT said that there was one remark he was compelled to make in reply to the Senator from Louisiana. He understood that gentleman as saying that he had attacked the bill by throwing obstacles in its way.

[Mr. Porter explained. He said *tacked*, not *attacked*. He had expressed the hope that the gentleman would not throw obstacles in the way of the bill, by tacking other objects to it.]

Mr. Wright said he was glad he had misunderstood the gentleman, who was himself mistaken as to the time of the introduction of the measure contemplated by the amendment. Long before any effort had been made to extend to Alabama the circuit system, an effort had been earnestly, though respectfully, made to extend it to the northern portion of New York. The gentleman did not seem to appreciate the geographical situation of New York, nor consider the great extent of its frontier requiring this system. He and his colleague had been asked not to press their amendment at this stage of the bill. But did the gentlemen from Alabama and Louisiana suppose that they could do their duty without pressing this measure? As to the details, he confessed he had not sufficiently examined them to conform his amendment to them at this time. But gentlemen must see that this was a mere matter of form, and the gentlemen from Connecticut and Vermont, and himself and colleague, could not differ with regard to them. The gentleman from Louisiana had asked him not to press this amendment, and thus bring down on the bill the numerical force of the New York members in the other House. Now, it was to make the bill acceptable to this numerical force, that he had introduced the amendment.

Mr. BUCHANAN said he had been too long following the same lights on this subject to be enlightened at this time, as the Senator from Louisiana supposed he might be. He had been endeavoring for many years to extend the circuit system to the new States, and should continue his exertions until that object was accomplished. What was the single proposition before the Senate? It was to extend this system to two of the new States who were justly entitled to it, and who had so long been deprived of it. That was the sole proposition. It was so considered when the bill was introduced, and was so considered by the Judiciary Committee, who had it under examination and reported on it. It was admitted that it was desirable to extend this system to New York; but suppose it was done by the amendment, what then would be the duty of the Senators from Pennsylvania? The western district of Pennsylvania was not entirely inland. It had considerable maritime frontier, and he understood to-day, for the first time, that there was a petition, numerously signed, from the western part of Pennsylvania, for the establishment of a circuit court for their benefit. Could he and his colleague, then, sit still, and not ask this for Pennsylvania, when they saw the same favor granted to New York? He would prefer, however, that the circuit system should be extended both in Pennsylvania and New York by a separate bill; and he would advise gentlemen from New York to wait, and go *pari passu* with Pennsylvania in accomplishing an object so desirable to both. We want, said Mr. B., the same advantages for the western district of Pennsylvania, that they want for the northern district of New York; but we shall give no vote that will embarrass the passage of the bill.

Mr. NILES said there were two district courts in Connecticut. The business in them was merely nominal.

The court was sometimes one and sometimes two days in session. He thought the difficulty suggested of performing the tour not a formidable objection. So far as the constituents he had the honor to represent in part were concerned, he had no doubt they would be in favor of the amendment of the gentleman from New York, [Mr. WRIGHT.] He felt anxious for the passage of the bill. But he would ask how the bill was to be embarrassed? Certainly not by making it more acceptable to a large portion of the country. By making it more acceptable, a better feeling would exist towards it, which would be more likely to secure its passage.

Mr. CLAYTON said, on the whole, he felt disposed to vote for the amendment of the gentleman from New York, [Mr. WRIGHT,] and also for the amendment mentioned by the gentleman from Pennsylvania, [Mr. BUCHANAN,] if that gentleman should offer it. All he asked of gentlemen was to make the bill to-day as perfect as possible, in order that it might be passed to-morrow. The Senator from New York might, on the third reading of the bill, by general consent, offer such amendments as would render the details perfect.

After some further remarks from Messrs. DAVIS, BLACK, TALLMADGE, MOORE, SHEPLEY, PRENTISS, and KING of Alabama, the question was taken, and Mr. WRIGHT's amendment was adopted: Yeas 28, nays 12, as follows:

YEAS—Messrs. Benton, Black, Clayton, Davis, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, Knight, Leigh, Moore, Morris, Niles, Porter, Prentiss, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Wall, White, Wright—28.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Crittenden, Ewing, King of Alabama, King of Georgia, Linn, McKean, Mangum, Southard—12.

After some verbal amendments were agreed to, submitted by Messrs. CLAYTON and LEIGH,

On motion of Mr. CLAYTON, the bill was laid on the table, and

The Senate adjourned.

TUESDAY, JANUARY 5.

NATIONAL UNIVERSITY.

Mr. LEIGH, from the Committee on the Judiciary, to whom the subject had been referred, made a report on the legacy of the late James Smithson, of London, for a university in the District of Columbia, accompanied by a joint resolution authorizing the President of the United States to appoint an agent or agents to take the necessary steps to secure said legacy for the purposes mentioned and specified in the will. Read, and ordered to a second reading, and the report ordered to be printed.

DISTRICT BANKS.

Mr. BENTON offered the following resolution, which lies one day for consideration:

Resolved, That a select committee of five members be raised, to act jointly with any committee raised for similar purposes by the House of Representatives, to whom shall be referred all the petitions now presented to the Senate for the renewal of bank charters in the District of Columbia, with authority to examine into the conduct and condition of said banks; and for that purpose to have authority to send for persons and papers, to inspect books, and to examine witnesses on oath; also, to examine into the condition of the currency in the District of Columbia, and the means of improving it, and approximating it to the currency of the constitution; also, to inquire into the necessity, if any, for banks of circulation in the District of Columbia, in contradistinction to banks of discount and deposite, and for dealing in bullion and exchange; to inquire how far banks of any kind are wanted for the uses of the federal Government in this District; and wherefore the Treasurer of the United States may not act as keeper and payer of the public moneys within the District of Columbia, and drawer of checks and drafts in favor of those who choose to receive their money elsewhere. The said committee to have leave to employ a clerk, and to report by bill or otherwise.

JUDICIAL SYSTEM.

On motion of Mr. CLAYTON, the Senate proceeded to the consideration of the bill in addition to the act to amend the judiciary system of the United States.

Mr. TALLMADGE moved an amendment in the second section, after the word "annually," in the twentieth line, by inserting the words "in the northern district of New York, at Albany, on the first Tuesday in June and the second Tuesday in October;" which was agreed to.

Mr. BUCHANAN moved an amendment in the tenth line of the first section, to make it read "the eastern and western districts of Pennsylvania." Also, in the second section, fifteenth line, by inserting the words "in the western district, in the city of Pittsburg, on the 17th day of March;" which was agreed to.

Mr. B. also introduced an amendment to prevent the bill in its operation from interfering with the holding of the courts in Utica, in the State of New York, and Williamsport, in the State of Pennsylvania; which was agreed to.

Mr. CLAYTON moved an amendment in the fourth section, after the word "Alabama," in the eighth line, by inserting the words "the northern district of New York, and western district of Pennsylvania;" which was agreed to.

After some further verbal amendments,

The bill was ordered to be engrossed for a third reading.

Several bills were severally read the third time, and passed; when,

On motion of Mr. WEBSTER,

The Senate proceeded to the consideration of executive business, and when the doors were opened,

The Senate adjourned.

WEDNESDAY, JANUARY 6.

DISTRICT BANKS.

On motion of Mr. SOUTHARD, the consideration of the resolution on the District banks, offered by Mr. BENTON, was postponed till Monday next.

Several other resolutions on the table were severally considered and agreed to.

JUDICIAL SYSTEM.

The bill to amend the judicial system of the United States, (adding one to the number of judges of the Supreme Court, and altering the judicial districts, &c.,) was read a third time.

Mr. BLACK called for the yeas and nays on the passage of the bill, and they were accordingly ordered.

Mr. BENTON observed that he would not have said one word relating to this bill, if the yeas and nays had not been called; and, as they were called, he would not say more than a dozen. He should vote for this bill, because it suited the section of country from which he came, and because it was also desirable to several States that it should pass. He had, however, objections to it, which he should not then trouble the Senate with a detail of; and before he gave his vote he wished it distinctly understood that he had objections, and if ever he was called on to state them, either there or elsewhere, he was ready to do so. One word, while he was up, in reference to a remark of the chairman of the committee the other day. He (Mr. B.) also objected to seeing the judges a debating body, though he should wish to see as many judges as twelve. He meant as many as twelve on paper, for he did not believe that if the number of the bench consisted by law of so many, they would ever be all present on the bench at one time.

Mr. CLAYTON said his objections were the very opposite of the objections of the Senator from Missouri, [Mr. BENTON.] He (Mr. C.) was opposed to increasing the number of judges to twelve. He hoped the passage of this bill would put that question for ever at rest, and that the number of judges never would exceed nine, at most.

Mr. PORTER rose briefly to remark that it was rather strange to hear a gentleman say he was about to vote for a bill, but had some objections to it. That occurred with regard to almost every bill that came before the Senate. Members had some small objections to important measures, but waived them on account of the greater good to be obtained. He should regret that the bill went to the other House under the disadvantage that there were serious objections to it. With respect to the number of judges on the bench, he should much regret to see more than twelve; for although twelve men might be stronger than six, he never could believe that they were wiser.

The question was then taken, and the bill was passed: Yeas 38, nay 1, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Niles, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tomlinson, Tyler, Wall, Webster, White, Wright—38.

NAY—Mr. Hill—1.

REGULATONS OF THE SENATE CHAMBER.

Mr. PRESTON moved the consideration of the resolution offered by him some days ago, and which in his absence had, on motion of Mr. TIPTON, been laid on the table.

The resolution reads thus:

Resolved, That the regulations in relation to the Senate chamber and galleries, adopted at the present session, be rescinded, except so much as relates to the reporters.

Mr. PRESTON said the object of the resolution was to establish things as they were before the adoption of the resolution now in force in the Senate, except as regarded the reporters, who were excepted in the resolution he had offered—seats having been provided for them, by the existing resolution, on the floor of the Senate. It was a privilege which, like others, might be abused; but inconvenience might, by proper circumspection in future, be avoided. It was very desirable to have persons in the lobby who had business, without going out during the session to speak with them. The lobby might, on extraordinary occasions, be crowded to some extent, but he thought it might be restricted on any occasion within proper bounds. He thought so grave, so dignified, and so aged a body, might safely be trusted with the privilege of keeping open doors. The supposed necessity of such a provision would induce a circumspection that would guard against the inconveniences heretofore experienced.

Mr. PORTER understood the Senator from South Carolina [Mr. PRESTON] to regard the rule adopted as an innovation upon the rules of the Senate. Until within a very few years back the regulation was precisely the same as it is now. The resolution adopted for the regulation of the Senate chamber, and now in force, was the same, *verbatim et literatim et punctuatum*, as the one adopted by the House of Representatives. Until the adoption of the present regulation, the Senate had experienced great inconvenience. He would like the honorable Senator from South Carolina [Mr. PRESTON] to point out some means of prevention against the intrusion of a crowd. Would the inducements to the collection of a crowd be any less than heretofore? Would any Senator refuse the admission of any one who would ask him? Persons were much exposed in crowds. On one occasion an honorable gentleman had had his pocket picked in a crowd in the gallery. The attraction of an audience was great. There were occasions on which gentlemen would withdraw their attention from the business before the Senate, and turn round to more attractive objects in the gallery. He was willing to afford further facilities to spectators by making some additional exceptions to the rule prohibiting them, but he was opposed to any measure calculated to disturb the public business.

Mr. PRESTON said that, under the late rule, as far as his experience went, and he believed his and the gentleman's [Mr. PORTER'S] was about the same, he thought the business of the Senate had been as well conducted as at any time. The presence of an audience evidently excited them to a more faithful discharge of their duty. It was a privilege incident to all deliberative bodies, and one that ought not to be withheld. He flattered himself that he was not more susceptible of those attractions alluded to by the gentleman [Mr. PORTER] than the gentleman himself; and he was very certain they had never hindered him [Mr. PRESTON] in the discharge of his duties. He had experienced much inconvenience under the present rule. He had at times, in the press of important business, been called three or four times at the door to persons who wished to see him. The rescinding of the rule would not be attended with so much inconvenience in the Senate as in the House of Representatives, where the throng was more general. It seemed to him that the whole organization of the Senate had fallen upon a very limited number of members.

It did not seem to him that there would be any difficulty in vesting the Senate with the power to say what number of spectators should be admitted. He did not believe it would be indiscriminately exercised. He had himself refused admission to persons applying to him on certain occasions, and he believed other Senators would exercise a reasonable discretion also. The gentleman [Mr. PORTER] had alluded to the circumstance of a gentleman having his pockets picked. He trusted the pocket that was picked belonged to the honorable gentleman who had introduced the person who did it. The privilege of witnessing the proceedings of the British Parliament was not denied the public. It had been stated that the presence of an audience was apt to divert the discussion of subjects before the Senate into other channels. He was not averse to the Senate exercising a proper influence upon popular opinion, and he could see no reason why the Senate should not have the same liberty in that respect that other bodies had. They had all firmness enough to secure the Senate from the inconveniences growing out of the extension of the privilege. He would he glad to see the resolution pass, or modified so as to suit the gentleman.

Mr. PORTER wished to exclude the idea that he was opposed to the proceedings of the Senate being made public. There are professional persons here, said he, whose business it is to take an account of the proceedings of the Senate; and others, who are connected with newspaper establishments, have access to us. He would be sorry any Senator should be so unfortunate as to have his pockets picked. The gentleman who had had his pocket picked, no doubt, was deceived in the character of the person whom he had introduced.

He thought the gentleman [Mr. PRESTON] was not so old as to be impervious to the attractions of the ladies. No doubt, the animating motive was the country's good; but he would ask the gentleman if the splendid figures of speech the Senate had witnessed on certain occasions, were not stimulated in some degree by the smiles of the ladies? Some part of the gallery had been appropriated to the members of the other branch, and the adoption of this rule would tend to exclude them.

Mr. CALHOUN was disposed to put this question upon different grounds from what either of the gentlemen who had spoken upon it had. Our Government was a popular Government, and he was disposed to accommodate as much as possible the people that belonged to it. Those galleries were made for the accommodation of the public, and the public had a right to the use of them. The smaller gallery had been thrown open, but the more commodious one had been closed against aged persons and others, unless they had females under their charge. And shall we (said Mr. C.) keep that gallery (turning to the circular gallery) continually shut against the people of this Union? He had higher objects in view than some of the gentlemen who advocated the passage of the resolution. He looked to the great struggle they were going to have in that body (the Senate) with one branch of the Government; and it was plainly to be seen, by the course pursued in relation to this resolution, who were the advocates of power, and by whom secrecy was desired. In a struggle between power and the people, between power and liberty, an audience was materially necessary. In the great struggle for liberty the galleries were thrown open. The reports were thrown coldly on the world, and could not be relied on. He would suggest that a certain number of tickets should be given out, in order to prevent the gallery from being crowded to excess. He would hold that the generous-minded ladies themselves would fully accord with his views. Mr. C. concluded his remarks by demanding the yeas and nays.

Mr. CLAYTON moved to amend the resolution by striking out all after the word "resolved," and inserting

"That the circular gallery of the Senate chamber be open for the admission of spectators, and that each Senator be allowed to admit any number not exceeding three into the lobby of the Senate in front of the chair."

Mr. MANGUM thought it to be very desirable that the Senate should throw open its galleries entirely, and that the restrictions should apply to the number of persons to be admitted on the floor of the Senate. He had witnessed, under the change of the rule, in his own person, decided inconvenience, yet he should be willing to agree to any modifications of the resolution the gentleman might choose to propose, provided the galleries were thrown open to spectators. Under the old rule, spectators were not permitted to come within the bar of the Senate, nor to go behind the pillars, therefore no very great inconvenience was occasioned by their admission. He, himself, though occupying a seat of the outer range, had experienced no inconvenience from the spectators. He would agree to the resolution, if the restrictions were confined to the floor of the Senate, but he would never agree that the galleries should be closed. There would be one inconvenience, however, in the restrictions, as to the floor of the Senate. We have, said he, strangers here from all parts of the Union, and we have, in our intercourse with them, to go out of the chamber, thus incurring the risk of being absent when a vote is taken; while, under the old rule, we could still have the necessary intercourse with our friends and constituents, without losing any part of the business going on. He felt that there was much force in the remarks of the gentleman from South Carolina, that the public eye should not be shut on the proceedings of that body. He wished for himself, and for those with whom he acted, to have a fair chance on that floor; for he believed that, if a fair chance was to be had, it would only be had on that side of the Capitol. Again, he was not willing to incur the risk of the imputation that might be cast on them, in consequence of restricting the admissions into the chamber, that the Senate did not wish to give the utmost publicity to its proceedings. As to the galleries, they should be thrown freely open to all. It was what the public had a right to expect, and he hoped the Senator from Delaware would modify his resolution so as to meet their just expectation.

Mr. CLAYTON was perfectly willing to take the suggestions of the gentleman from North Carolina. His only object was to admit as many as possible in the circular gallery, without excluding the ladies. He thought the restrictions as to the floor of the Senate should still be continued.

Mr. PRESTON regretted that his friend from Delaware should persist in giving the same effect to his amendment. He was inclined to think that the inconveniences under the old rule had been much exaggerated. No deliberative body had ever conducted its business in a more orderly manner than the Senate, and in none had there been less interruption to the proceedings. As for accidents such as had been alluded to by the Senator from Louisiana, they were unavoidable, and might occur any where; for he had heard that a gentleman had been robbed at a private party in Washington. But he put it to gentlemen, if the business of the Senate had not always been conducted in the most orderly manner, and whether they would continue these restrictions on account of the slight inconveniences that had attended the operations of the old rule. On what occasions, he asked, had such great crowds been collected there? Why, on occasions of great excitement, when subjects of deep and absorbing interest were debated, and he was very willing on such occasions to submit to slight inconvenience, rather than exclude any who could by possibility be admitted. He had witnessed, for many years past, the occasional throngs which debates of great interest and importance had collected there, and, although almost suffocated by the crowds, yet there had been no interruption to their proceedings. If any were excluded, he did not hesitate to say that it should be the ladies rather than those who came from different parts of the Union, to hear and report what passed in that body. He was not disposed to give to the ladies more than their sex deserved; it was not desirable that they should be there at all. It was man, thinking man, for whom they acted, who should superintend their proceedings. He again repeated the belief that the inconveniences under the old rule had been greatly exaggerated—he had never seen the business in any manner interrupted. He laid down this general proposition, that it was the bounden duty of that body to give to the public, to the utmost extent, the proper accommodation. He objected to the limitation proposed by the Senator from Delaware. They had already closed more than half of their house to spectators; the small gallery was daily crowded almost to suffocation, while the circular gallery seldom contained more than a dozen ladies. He believed that no serious inconvenience had resulted from the old rule, and he hoped that his resolution would be permitted to pass without limitation.

Mr. CALHOUN said he should vote for the resolution of his colleague, with the amendment of the Senator from Delaware, because he wished to take the question as to opening the galleries. If, hereafter, it should be found that the lobby could contain more than the amendment proposed to admit, without inconvenience, it might be further opened; but he was of opinion that the galleries ought to be opened. It was the nature of power to shut its doors, and hide its proceedings from the public eye; but those who resisted power had an interest in giving to their efforts the utmost publicity. He wished the whole people of the United States to have an opportunity of witnessing what passed in that chamber. As he desired to have the question essentially on the opening of the galleries, he should vote for the amendment.

Mr. BENTON had but one word to say, and that was drawn from him by what he had heard of the hardship of those who were almost suffocated in the crowds attending the little gallery, while so few occupied the large one. Whoever encountered that hardship, he would undertake to say, had brought it on himself, because he could easily be relieved of it, by taking a lady under his arm, and going into the other gallery; and if he had such an antipathy to the ladies as to prefer the crowds of the little gallery to their society, he (Mr. B.) had no sympathy for him. The circular gallery was freely open to all, under the rule as it then stood. Every gentleman could go there if he pleased; and if he did not know how, he (Mr. B.) would tell him. He had simply to get a young lady, or an old one, or any lady he pleased, to go with him, and he would find the doors open.

Mr. TALLMADGE said he should vote against the amendment of the gentleman from Delaware, [Mr. Clayton,] and if the amendment of that gentleman did not succeed, he would then offer an amendment to admit a certain number in the circular gallery. He was willing to give to each Senator the privilege of admitting a certain number of persons in that gallery. He had no objection to affording every facility to spectators; but owing to the inconvenience mentioned by some of the gentlemen, growing out of an unlimited privilege, he would prefer extending the convenience to the circular gallery.

Mr. SHEPLEY suggested to the gentleman from New York, [Mr. Tallmadge,] to submit his views in the form of an amendment to the amendment. The resolution, thus amended, would accomplish the object the gentleman from South Carolina [Mr. Calhoun] had in view.

Mr. TALLMADGE then submitted the following amendment to the amendment:

"That each Senator have the privilege of admitting into the circular gallery ——— number of gentlemen."

Mr. WEBSTER said the public had a right themselves to the use of the galleries until they were filled. He was opposed to granting tickets, and was for opening the galleries to all, without distinction of persons. It was preferable that fathers and brothers should meet and sit together in the same gallery, to having them forced into separate galleries, merely because some of them happened not to have ladies in their charge.

Mr. CALHOUN said that the amendment to the amendment of the Senator from New York did not answer his purpose at all. He did not wish to be troubled with applications for admission there, nor did he wish to put the people to the trouble of asking for admission. They had a right to be there, to come there, and stay there, whenever the Senate was in session. It was impossible to look at that debate without seeing the nature of it, and from what quarter the opposition to the resolution came. Those who had got power were not willing that the truth should be heard boldly and openly. We, said he, who are on the opposite side, and who oppose power, ought to desire to give the utmost publicity to our proceedings. No, sir, said he, no modification of the amendment will answer my purpose; nothing which will exclude a single individual, will ever meet my consent.

Mr. BUCHANAN said he had not expected this debate could possibly assume the character which it had now taken. The change of the rules of the Senate, in regard to the use of the lobby and galleries, had been made by common consent. It was not the work of any political party in this body. The change was made, as he had supposed, for the accommodation of all parties in the Senate, as well as for that of the people.

Under these circumstances, he could not but feel surprised when the Senator from South Carolina [Mr. Calhoun] very broadly insinuated that there was a struggle in this body between two parties--the one the advocates of liberty, the other of power, and that the advocates of power desired secrecy.

[Mr. Calhoun here said that he had affirmed it.]

The Senator, then, has affirmed it. Sir, said Mr. B., if the gentleman intends to assert that the friends of the administration on this floor desire to envelop the proceedings of this body in mystery and darkness, the assertion is wholly unfounded. In saying so, I mean no personal offence. We are not the advocates of power against liberty, and our conduct has never shown that we were. It is easy for the Senator to make general charges of this kind, but he will find it very difficult to place his hand upon any single fact to support them.

Mr. B. said he was neither ashamed nor afraid to speak, and to vote, and to act, openly, and fearlessly, and directly, upon every question which may come before the Senate. He did not shun, but courted, publicity. Neither his political friends nor himself had any thing to conceal. He had never been consulted in respect to the existing rule. He should now vote for the amendment proposed by the Senator from Delaware, [Mr. Clayton.] He was willing that the upper gallery should be thrown open to all visiters who might think proper to attend. Although our convenience might be sacrificed by again crowding the lobby behind the seats of the members, he could endure this inconvenience as well as any other Senator. On this subject he would go as far as he who should go farthest. Let all the American people who can be accommodated be received into this chamber.

Mr. CALHOUN remarked that he was much gratified at what had been said by the Senator from Pennsylvania, and hoped that every gentleman on the same side would concur with him. It was not for him or that gentleman to decide which of them were on the side of liberty in the contest between liberty and power—that must be left to time and to posterity for a fair decision. He was not called on then to show the many arbitrary acts of the present administration; but, on a proper occasion, he would be ready to go into the subject. He did hope that this session would show that the gentleman from Pennsylvania, and those with whom he acted, were not the advocates of power. He did hope that when that great measure, the expunging resolutions, came up, it would be seen that those gentlemen will be found on the side of liberty in its contest with power.

Mr. BUCHANAN said the Senator from South Carolina had acted very wisely in referring the great questions now before this body and the country to time and to posterity. If he had submitted them to the people of the present generation, they are already decided against him.

In relation to his future course, Mr. B. said he would wait for the proper occasions to present themselves, and should express his opinions on subjects as they came before the Senate. "Sufficient for the day is the evil thereof." He had no hesitation, however, in now declaring his opinion upon the expunging resolution, as the Senator had introduced it into this debate. On that question he should be found in direct opposition to the gentleman.

The question was here taken on Mr. TALLMADGE's motion, and it was lost: Yeas 6, nays 34, as follows:

YEAS—Messrs. Prentiss, Shepley, Swift, Tallmadge, Tipton, Wright—6.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Niles, Porter, Preston, Robbins, Robinson, Tomlinson, Tyler, Wall, Webster, White—34.

The question then being on Mr. CLAYTON's amendment,

Mr. NILES moved to divide it so as to take the question first on the first clause, as to opening the galleries.

Mr. BENTON suggested that this division was not sufficiently explicit. To say "open the galleries," implied that they were closed; whereas one was already entirely open, and the other open to gentlemen accompanied by ladies. The division ought to be more explicit, otherwise those who voted against the first clause might seem to vote against admitting spectators.

Mr. NILES then moved to amend the resolution by inserting the word "circular," so as to apply the amendment to the opening of the circular gallery; which modification being accepted by Mr. CLAYTON, the division of the question was ordered, and it was accordingly taken on the first clause of the amendment, and decided in the affirmative: Yeas 35, nays 7, as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Niles, Prentiss, Preston, Robbins, Robinson, Shepley, Southard, Swift, Tomlinson, Tyler, Wall, Webster, White—35.

NAYS—Messrs. Benton, Hendricks, Porter, Ruggles, Tallmadge, Tipton, Wright—7.

The question was next taken on the second clause of the amendment, allowing each Senator to admit ——— number of spectators into the lobby, and decided in the negative: Yeas 18, nays 24, as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Leigh, Mangum, Preston, Robbins, Robinson, Tomlinson, Tyler, Wall, Webster--18.

NAYS—Messrs. Benton, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, McKean, Moore, Morris, Niles, Porter, Prentiss, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, White, Wright--24.

The question being on the resolution, as amended, Mr. BENTON asked the Secretary to read the resolution of the present session, by which the old rule was changed, and it was accordingly read.

Mr. BENTON remarked that he only wished to make sure of the words of the resolution, as it applied to the circular gallery, and he now held that gallery to be open, and that all that had been said in relation to it had been misapplied. He did not wish to give a vote which was to be understood, there or elsewhere, as intending to shut up either of the galleries; nor did he wish to give any vote admitting, what every body knew to be untrue, that the galleries were closed. He wished in the most emphatic manner to declare that the circular gallery, instead of being closed, was open to every gentleman who could get a lady to accompany him; and by lady he meant each respectable female in the United States. It might be that some few strangers here would not be sufficiently acquainted in Washington to get ladies to accompany them; those few, he thought, could always be accommodated in the small gallery; but the great mass could easily find female acquaintances, and if they did not take the trouble to wait on a lady, they might encounter the inconvenience (if any) of the smaller gallery. The point, however, he wished to bring out, was, that his friend from Louisiana, [Mr. PORTER,] who had introduced the resolution now in force, who had been put forward by the general understanding of the inconveniences of the old rule, and who had since been abandoned by so many, never contemplated by his resolution to shut the galleries against the public. He wished to give that gentleman his support, by assisting him in bearing the brunt in defence of a resolution which was introduced and adopted by general consent of the Senate.

There was one gallery [pointing to the small one] open to every body, and there was the other [pointing to the circular gallery] equally open to all, save those whose limited acquaintance with females prevented them from being accompanied by a lady. Certain he was that there were more who could get ladies willing to accompany them, by hundreds upon hundreds, than the gallery would hold. Were they, then, under these circumstances, to vote so as to admit the fact that the galleries were closed. Were they on an occasion like that to call for testimony. If they did, the doorkeeper would tell them that once already this session hundreds had to go away from that very gallery, because it was already crowded almost to suffocation. He had made these few observations, because he wished to avoid, if possible, the imputation that this gallery had been shut up by the resolution of his friend from Louisiana, [Mr. PORTER;] and he should go with that gentleman in support of the rule as it stood.

Mr. CLAYTON did not consider the adoption of the resolution, or the amendment he had offered, as any attempt at censuring the committee by whom the resolution now in force was proposed for adoption. He had adopted the rule as a matter of experiment, but it had failed. He had observed the gallery into which gentlemen were admitted crowded, while the circular gallery had been occasionally vacant. True, the circular gallery was not directly, but it was virtually, shut against any gentleman, who had come even five hundred miles, who had not a lady under his charge.

The question was then taken on the resolution as amended, and it was adopted: Yeas 31, nays 11, as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Niles, Prentiss, Preston, Robbins, Robinson, Shepley, Swift, Tomlinson, Tyler, Wall, Webster, White—31.

NAYS--Messrs. Benton, Grundy, Hendricks, Hill, Linn, Porter, Ruggles, Southard, Tallmadge, Tipton, Wright--11.

The resolution was thereupon adopted in the following form:

"*Resolved*, That the circular gallery of the Senate be opened for the admission of spectators."

On motion of Mr. HENDRICKS,

The Senate adjourned.

THURSDAY, JANUARY 7.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. MORRIS presented two petitions from Ohio, praying for the abolition of slavery in the District of Columbia.

Mr. CALHOUN demanded that the petitions should be read.

The Secretary having read the petitions,

Mr. CALHOUN demanded the question on receiving them; which was a preliminary question, which any member had a right to make. He demanded it on behalf of the State which he represented; he demanded it, because the petitions were in themselves a foul slander on nearly one half of the States of the Union; he demanded it, because the question involved was one over which neither this nor the House had any power whatever; and that a stop might be put to that agitation which prevailed in so large a section of the country, and which, unless checked, would endanger the existence of the Union. That the petitions just read contained a gross, false, and malicious slander, on eleven States represented on this floor, there was no man who in his heart could deny. This was, in itself, not only good, but the highest cause why these petitions should not be received. Had it not been the practice of the Senate to reject petitions which reflected on any individual member of their body; and should they who were the representatives of sovereign States permit petitions to be brought there, wilfully, maliciously, almost wickedly, slandering so many sovereign States of this Union? Were the States to be less protected than individual members on that floor? He demanded the question on receiving the petitions, because they asked for what was a violation of the constitution. The question of emancipation exclusively belonged to the several States. Congress had no jurisdiction on the subject, no more in this District than the State of South Carolina: it was a question for the individual State to determine, and not to be touched by Congress. He himself well understood, and the people of his State should understand, that this was an emancipation movement. Those who have moved in it regard this District as the weak point through which the first movement should be made upon the States. We (said Mr. C.) of the South are bound to resist it. We will meet this question as firmly as if it were the direct question of emancipation in the States. It is a movement which ought to, which must be, arrested, *in limine*, or the guards of the constitution will give way and be destroyed. He demanded the question on receiving the petitions, because of the agitation which would result from discussing the subject. The danger to be apprehended was from the agitation of the question on that floor. He did not fear those incendiary publications which were circulated abroad, and which could easily be counteracted. But he dreaded the agitation which would rise out of the discussion in Congress on the subject. Every man knew that there existed a body of men in the Northern States who were ready to second any insurrectionary movement of the blacks; and that these men would be on the alert to turn these discussions to their advantage. He dreaded the discussion in another sense. It would have a tendency to break asunder this Union. What effect could be brought about by the interference of these petitioners? Could they expect to produce a change of mind in the Southern people? No; the effect would be directly the opposite. The more they were assailed on this point, the more closely would they cling to their institutions. And what would be the effect on the rising generation, but to inspire it with odium against those whose mistaken views and misdirected zeal menaced the peace and security of the Southern States. The effect must be to bring our institutions into odium. As a lover of the Union, he dreaded this discussion; and asked for some decided measure to arrest the course of the evil. There must, there shall be some decided step, or the Southern people never will submit. And how are we to treat the subject? By receiving these petitions one after another, and thus tampering, trifling, sporting with the feelings of the South? No, no, no! The abolitionists well understand the effect of such a course of proceeding. It will give importance to their movements, and accelerate the ends they propose. Nothing can, nothing will, stop these petitions but a prompt and stern rejection of them. We must turn them away from our doors, regardless of what may be done or said. If the issue must be, let it come, and let us meet it, as, I hope, we shall be prepared to do.

Mr. HILL moved to lay the question on the table.

Mr. MORRIS asked leave to present other petitions which he had received on the same subject, that they might be all disposed of together.

Mr. PORTER. One at a time.

The CHAIR decided that the petitions under consideration must be first disposed of.

Mr. MORRIS. In presenting these petitions he would say, on the part of the State of Ohio, that she went to the entire extent of the opinions of the Senator from South Carolina on one point. We deny, said he, the power of Congress to legislate concerning local institutions, or to meddle in any way with slavery in any of the States; but we have always entertained the opinion that Congress has primary and exclusive legislation over this District; under this impression, these petitioners have come to the Senate to present their petitions. The doctrine that Congress have no power over the subject of slavery in this District is to me a new one; and it is one that will not meet with credence in the State in which I reside. I believe these petitioners have the right to present themselves here, placing their feet on the constitution of their country, when they come to ask of Congress to exercise those powers which they can legitimately exercise. I believe they have a right to be heard in their petitions, and that Congress may afterwards dispose of these petitions as in their wisdom they may think proper. Under these impressions, these petitioners come to be heard, and they have a right to be heard. Is not the right of petition a fundamental right? I believe it is a sacred and fundamental right, belonging to the people, to petition Congress for the redress of their grievances. While this right is secured by the constitution, it is incompetent to any legislative body to prescribe how the right is to be exercised, or when, or on what subject; or else this right becomes a mere mockery. If you are to tell the people that they are only to petition on this or that subject, or in this or that manner, the right of petition is but a mockery. It is true we have a right to say that no petition which is couched in disrespectful language shall be received; but I presume there is a sufficient check provided against this in the responsibility under which every Senator presents a petition. Any petition conveyed in such language would always meet with his decided disapprobation. But if we deny the right of the people to petition in this instance, I would ask how far they have the right. While they believe they possess the right, no denial of it by Congress will prevent them from exercising it.

Mr. Morris concluded by asking that the question be taken by yeas and nays; and they were ordered.

Mr. HILL moved to lay the whole subject on the table, but afterwards remarked that, as he understood this might be considered as a rejection of the petition, he would withdraw his motion.

Mr. PORTER, of Louisiana, said he could scarcely agree with any thing that had fallen from the honorable Senator from Ohio, [Mr. Morris,] save that the petitioners came here with their feet on the constitution. Certainly nothing could more forcibly convey an idea of their position. They did come here with their feet on the constitution. But if, instead of placing themselves in that attitude, they had that instrument in their eye, and the great principles on which it was established in their hearts, they would not to-day be found throwing firebrands on this floor. The constitution was established, not merely in spirit, but in letter, in reference to this great interest of the South. The right to the property which the petitioners sought to impair was solemnly recognised by that instrument; and it was a violation of the compact to seek, either directly or indirectly, to shake the security which the slaveholding States had a right to look for under it. It was melancholy, Mr. P. said, to reflect how soon the wisdom and enlightened policy of the framers of the constitution were forgotten. Fanaticism and ignorance were about to take the place of the knowledge and deep-searching views of human prosperity which enlightened and directed the measures of the fathers of their country; and no one could look at the prospect before him without dismay, if these sinister influences were not removed. It was in vain, Mr. P. said, to disguise the fact; the public mind was becoming morbidly excited in one quarter of the Union on this subject, and most painfully in another. Things have come to such a pass that it behooved all good and patriotic men to consult together, and devise some mode by which an end could be put to the dangerous agitation of this question.

There were, said Mr. P., some who thought this object could be best attained by consigning all applications of this kind to a committee, where they were permitted to sleep, and were soon forgotten. Such, he believed, had been the general, though not the uniform course, and he would willingly suffer these petitions to take the same direction, if experience had shown him that any good resulted from it. But what, said Mr. P., is the fact? Why, that the boldness and illiberality of those who claim the right to interfere with other men's property was increasing by the forbearance which had been exhibited towards them. Year after has the national Legislature, by its votes, told them how unwise it was to agitate this subject. They continue still to agitate it; and each year they increase in audacity. This winter we have seen the protest; yes, Mr. President, the protest of the anti-slavery society against that portion of the President's message which touches on the attempts made to emancipate the slaves at the South! and this protest has been forwarded here by Senators, as a public document from a public body, of which it is important we should have a knowledge. In this precious document they speak of the purity of their motives, their exemplary lives, and their increasing numbers, and deny to the Chief Magistrate of the Union the right to speak of their incendiary character, unless he gives them, in the first instance, what they call a fair trial! It was clear, therefore, that nothing had been obtained by dealing gently with these people. If any other evidence was wanted of this truth, it would be found in the petition now offered, in which one half of the free citizens of this country are denounced as tyrants, oppressors, and murderers.

Sir, said Mr. P., it is evident, from the tone lately assumed by these people, that they are laboring under the impression that we are afraid to meet this question. They have worked themselves up to the belief that the South is ashamed of its position, and that it seeks to stifle or evade what it dares not defend. It is more than time, said Mr. P., that they should be undeceived. They must be taught at once that, on this subject, we are determined, and will neither take nor give quarter.

He did not, Mr. P. said, know whether any declaration which Congress could make would stop the wicked men who prompted these movements, but he thought it would have a great effect on the honest but misguided persons who were their dupes and their instruments. A clear, decided expression of the determination on this subject of the national Legislature, he could not help thinking, would have a most beneficial influence. The continued efforts of these persons were nourished by the hope of success. Take that away, and we should hear no more from them. We have lately had a striking example of the influence of such a step on the part of the legislative authority in another country. I allude, said Mr. P., to what has lately occurred in England in regard to an agitation got up there and in Ireland for a repeal of the union between the two islands. It began to take possession of the public mind, and was rapidly spreading, when Parliament at once put an end to it by a solemn declaration, nearly unanimously made, that, under no circumstances whatever, would they consent to the measure. From that day, sir, nothing more has been heard of it; and the great mover of the agitation has given his turbulent passions another direction. What I wish, said Mr. P., is a similar declaration of determined purpose from the American Congress on this question. I do not know any mode in which it can be more significantly expressed than by a decision that no petitions on this matter will be taken into consideration.

But, sir, said Mr. P., we are met by an objection from the honorable Senator from Ohio, that we are infringing on the sacred right of petition. No one, sir, values that right more highly than I do, nor would guard it more scrupulously. I hold that the people have a right to petition and to remonstrate on any subject they please. But just as that right is unlimited, and should be free as air, so do I hold the right of those to whom memorials are addressed to sustain or reject them, and that they have perfect freedom to mark their disapprobation of their purpose or tendency. This disapprobation, I hold, sir, may be conveyed by a refusal to consider the petition at all, as well as by a denial of the prayer of it after it is considered. Why go through the mockery of examining that which we have examined fifty times already, and on which we have so often come to a conclusion? I call on any honorable Senator to show the difference between rejecting a petition at once, or refusing its prayer after deliberation--to show me how the first mode of disposing of the demand any more affects or impairs the right of petition than the last. No, sir, said Mr. P., there is no difference. It is only a question of terms, and more or less perfect conviction on the subject.

But it is said, though you may reject at once, you must receive. Sir, said Mr. P., I consider the difference merely verbal. It is a dispute about terms, and wholly overlooks the substance. We must receive it, if it can be called a reception, to learn from it to what subject it relates. But if he who presents it does (as I understand, by the rules of this body, he must do) state what is its object, I hold, sir, that the right exists in the Senate to refuse its consideration. It is only another mode in which our refusal of the prayer of the petition, and our strong disapprobation of its purport, are more distinctly marked.

And, sir, I shall vote against the reception of this petition, because I am anxious to mark my abhorrence of its purposes, and my irrevocable determination to meet those persons, here and elsewhere, with the most uncompromising opposition. There are subjects, sir, (said Mr. P.,) which we cannot stop to consider at all. If I were to go before the Legislature of any of the free States, and ask of them to dispossess the owners of land within their limits of their inheritance, or acquisition by purchase, because, according to my opinions, all laws which secure exclusive right to property were a violation of the intentions of Providence, who created all things for the use of all men, that the soil they tread should be as free for common use as the air they breathe, would that petition, sir, receive consideration any where? Would any public body consent to receive it for consideration? Would it not be considered the ravings of a maniac, or something worse? Sir, (said Mr. P.,) these are propositions so revolting that we cannot approach them for the purposes of investigation, and such, I consider, are those contained in the petition.

There is another objection to receiving this petition. Sir, the language is most indecorous and insulting to a large portion of the members of this body. It does not, indeed, in direct terms, accuse them of being robbers and tyrants, but, by a strong implication, it does make that accusation. For if slavery includes all the crimes which the petition enumerates, these slaveholders must be criminals. I am clear, (said Mr. P.,) that no men in this country have a right to come here, and, in the form of petition, accuse this body or any of its members of offences against the laws of God or the laws of man. It is not quite two years, sir, since the Senate refused to receive a petition which accused a majority of it of violating the constitution. If (said Mr. P.) I could consent to waive this indignity, so far as I was personally concerned, the duty I owe to the people whom I have the honor to represent warns me of the course I ought to pursue. I never will be so false to the allegiance I bear to them as to consent to receive any petition which, speaking of the institutions that prevail among them as tyrannical, cruel, and murderous, necessarily charges them with being tyrants and murderers. The accusation, sir, (said Mr. P.,) is as false as it is calumnious. They are neither tyrants nor murderers. They found relations existing in their country, either at the time of their birth or of their emigration to it, which they in no way contributed to establish, and for which they are not responsible. They feel that they cannot abolish them without utter ruin to themselves. So circumstanced, they have comported themselves in a manner which gives them no cause to blush. I wish, sir, (said Mr. P.,) that those who denounce them would visit their country before they poured out these effusions of ignorance and malignity. They would find these men imbued with as lofty and disinterested patriotism as the world can exhibit, and the love of the union of these States so entwined with every fibre of their heart as to constitute, as it were, a part of their being. They would see women as pure and as gentle as the earth holds or the sun looks at; and they would behold homes and hearths consecrated by the practice of every domestic and Christian virtue. Instead of oppression and tyranny displayed to slaves, they would see kindness practised to those whom Providence has placed under the care of the inhabitants of this region; and they would receive readily at the hands of these very men, if they were in want or suffering, a full measure of that charity which they now so cruelly refuse to extend to them.

Such a people should not, and with God's blessing they shall not, with impunity, be made the objects of vituperation. Year after year have they quietly heard themselves, their wives, and daughters, denounced by miserable wretches who are animated only by a sickly love of notoriety, and who hate the virtues which they cannot practice. Aware of the danger which hangs over our glorious Union by agitating this subject, they have practised forbearance until it has ceased to be a virtue. But I warn our estimable brethren in the non-slaveholding States that another feeling than that of patient endurance is rising rapidly among the people of the South, and that, unless provocation ceases, no man can contemplate without dismay the point to which that feeling rapidly tends.

Men who think justly, but who have never permitted themselves to enter into our condition, tell us we should treat this matter calmly. But it is not, sir, (said Mr. P.,) in human nature to treat such a matter calmly. How, I ask, would any of our friends feel if associations were formed among them to disturb their quiet, to rob them of their property, to wrap their dwellings in flames, and to deliver their untainted wives and daughters to the lust of brutal slaves? I venture to say, sir, they would feel quite as strongly as we do; and I also venture to assert that their indignation would not be the least diminished on being told that no such enormities were contemplated by their assailants. Whatever they might think of their motives, they would look to the tendency of the means employed against them.

There was another reason (Mr. P. said) why he would not receive the petition. It was a wanton attack on the right of property of the slaveholders of this District. It surely (said Mr. P.) can require no time or deliberation to enable us to decide whether A has a right to take what belongs to B, because A does not wish B should hold such property.

Mr. P. said he had insensibly, and contrary to his intention, been drawn somewhat from the argument which strictly belonged to the question. The subject was pregnant with observation, which at this moment he refrained from making. He firmly asserted, because he honestly believed, that so far the domestic institutions of the South had worked no injury either to the white man or the black; and, if the occasion was a proper one, he thought he could demonstrate that he was not in error. He thought, too, he knew the motives of the abolitionists, and he believed he saw the plan by which they hoped to accomplish their objects. They had taken for their model men in another hemisphere, and they imagined that the same success, by the use of the same means, awaited their efforts, which had followed those of the persons they imitated. He could, however, inform them that, in this case, they counted without their host. They had left out of their calculation an important element, which was, that in this country they had to convince not others of the impropriety of slavery, but the slaveholders themselves. I have no doubt (said Mr. P.) but they can find many and ready converts in those who look at the institution from a distance, and have no interest in the question save that which may be derived from the wish to carry out their abstract opinions. But they never did, they never will, convince any man who lives amidst these institutions, who sees their practical operation, and whose rights, social and political, are involved in their existence. They might, if their heated zeal gave the smallest chance for any exercise of their judgment, learn, from what took place in other countries, how vain and futile all their efforts must be. For twenty-five years this subject was the matter of debate in Great Britain. Year after year the halls of its Legislature rung with the sounds of eloquence which has never been surpassed. Constant appeals were made through the press during the same time, and the preachers in the pulpit aided to extend and enforce the delusion. What was the consequence? The end of a quarter of a century's discussion left the slaveholder in the West Indies just where it found him—left him totally unconvinced either of the justice or the practicability of the measure. And if the decision of the question had been left to him, he would have so remained to the end of time. I think the agitators here should take warning by this example. They can never accomplish their object. He knows little of human nature who expects it. They may (said Mr. P.) excite partial insurrections, render the condition of the slave worse, alienate the affections of their Southern brethren, and endanger our Union. But all, and ten times more, will only tend to perpetuate that condition of society which they seek to change.

Mr. PRESTON. I must confess that I am somewhat surprised at the introduction of petitions of this character, after the occurrences of the last summer, which must naturally have made the Southern people extremely sensitive on this subject. I am aware that similar petitions have been presented, and referred to the Committee for the District of Columbia; and, as was stated by the chairman of that committee two years ago, without the chance of provoking any action of that committee. To use his language, "the committee-room was to them the lion's den, from which there were no footprints to mark their return."

But, sir, this course is not the proper one to pursue now. There is in it neither justice nor expediency. We have a right to demand that some other remedy should be applied, and we do demand it. When I consider the extraordinary excitement which has been produced throughout the country; the combustible material, in the shape of incendiary pamphlets, which has been accumulated and spread abroad; the vast multitudes which have assembled; the apostles who have addressed them; their acts and their menaces; though I am but little disposed to allude to them, yet a regard to the honor and interests of the South calls upon me to do so, and and that, too, in language which she has a right to expect and demand.

Sir, the Southern mind has been already filled with agitation and alarm. Their property, their domestic relations, their altars, their lives, are in danger; and, as if this were not sufficient, we have now these agitators and incendiaries calling upon Congress to act upon the slaveholding States, either directly or indirectly, through the medium of this District. And are we, sir, to sit still and see it? Are we to behold our rights and privileges trampled upon? All upon which the permanence and security of our prosperity depends assailed by these blood-thirsty fanatics, and Government called upon to participate in the wanton and malicious movement, without lifting a hand, without raising a voice, without acting as a due regard to the honor, dignity, and happiness, of our constituents calls upon us to act?

Sir, I, for one, do not fear the action of Government. There exists no right, either in law, in the constitution, or in morals, for such action; and if there did, thank God, the physical power is still wanting. We are prepared for resistance; and we shall resist with all the means that God and nature has placed at our disposal. Our determination is firm and steadfast, and ought not to be concealed or misunderstood. Let me, therefore, implore and conjure the Senate to manifest at once, and without delay, their friendship and fidelity to the constitution and the union of the States. Let me conjure and implore them to look at the blessings which these corrupt and unprincipled men are laboring to destroy. Let me beseech them to weigh well the consequences which will follow the success of their mad and misguided efforts—insurrection and rebellion. A servile, not a civil war. A war upon women and children. A war that spares no sex, respects no age, pities no suffering; that consigns our hearths and altars to flame and blood, and fills our fields and woods with a foe at once savage, bloody, and remorseless.

There is another important truth which we would urge upon your consideration. We demand peace and repose. We require you to say, in language express and distinct, that this Government neither will nor can interfere with the constitutional rights of the slaveholder. We ask you to raise a barrier between us and these hot-headed and cold-hearted men, women, and children. We may well calculate, indeed, sir, I am confident, that the virtue and patriotism of the Senate will lead them to do both the one and the other. In a country free as this, thank God, the fanatical cant, the Quixotic feeling, the cheap charity, the unexpensive humanity, of these miserable fanatics, can perhaps be neither allayed nor interfered with by Congress.

But, sir, on the great question here at issue, Congress can interpose decidedly, distinctly, and at once. She can stay the desperate efforts of these stirrers up of bloodshed and murder. She can interpose the shield, not merely of reason and argument, but of the constitution and the law. She can send back the Representatives of the South and West, to say to their constituents that she will in no manner countenance or encourage this mistaken philanthropy; that she will be no agent of this paltry Quixotism; that she will not be instrumental to a result which cannot be contemplated by the most callous without emotions at once painful and overwhelming.

Sir, I fear that unless this be done--unless the plans and operations of the abolitionists are thus put down--unless Government stands as an impassable barrier between us and them--unless some prompt and immediate action is had--I fear, I say, sir, that no adequate conception can be formed of the tremendous consequences which will follow. I wish not to menace or threaten. I speak from the deepest, fullest, firmest conviction. We exist under a necessity which cannot be touched or tampered with. Our property and lives may be in jeopardy. Let but the crisis come, and no feeling of the heart, no ratiocination of the head, can hold the Union together for a single moment. Why not then, sir, act in this exigency as we ask you to act? Why not silence in this hall, at once and for ever, these enemies of our peace? Why not, as friends of liberty and union, drive from your doors whatever is likely to jeopard either, and enable us to approach the necessary business of the country—the conscientious discharge of our duty—with minds and hearts untrammelled and undisturbed.

Sir, we are obliged to act in this matter; we have been compelled to do so by an imperious sense of duty. We abhor the idea of mixing it up with party--of making it part and parcel of any political intrigue--of gathering about it measures or modes of policy to which it stands in no relation. Our sole object is to protect our lives and property; to allay this exacerbated and enkindled feeling; to put down this spirit of fanaticism, this domineering insolence, which may prove destructive to our happiness and prosperity. It is of the first importance to crush and extinguish the efforts of these individuals at once. They are not only dangerous in themselves, but it may be in their power to mislead the majority of a people who have no direct interest in the matter at issue. The question will then become political, and the country be revolutionized at once. To prevent it, you must secure us from agitation here--here, if not elsewhere. This, at least, must be neutral ground.

Sir, we ask for such legislation upon this petition as will close the doors, once and for all, upon others of similar import; we ask to be relieved from the consternation in which we and our constituents are thrown; we ask that the motion of my honorable friend and colleague may prevail, and that whatever language these petitioners, these calumniators, and disorganizers, may hold elsewhere, they shall not be permitted to hold it here. The gentleman from Ohio acts under a misconception; he is not warranted, by any precedent, in supposing that the question, whether this petition shall or shall not be received, cannot be put. Sir, that is the preliminary question, and, if carried in the affirmative, there is an end of the matter. The right of petitioning is not at all prejudiced by such a course; nor has it been so considered by any previous Congress; for I have a case before me in which a petition from York county, Pennsylvania, was rejected, the vote on receiving it being yeas 20, nays 24.

No, sir, this motion is a far milder one than the people of the South have a right to demand; they have the right to ask an express renunciation on the part of Congress of any shadow of power to interfere between the planter and his slaves. The constitution justifies them in such a demand; and yet they only require you to say that you will not, and cannot, entertain these petitions. Has Congress prohibited itself from doing so? Not at all, sir. Does it, in so doing, abridge the right to assemble peaceably and petition for redress of grievances? Nothing of the kind. What petitions is it bound to receive? Not surely those which are violent, disrespectful, and insolent in language, which would visit with a moral contagion the whole body politic; which degrades the character of our mothers and sisters; which impugns the honor and outrages the feelings of the South and West! Grievances! For what grievances do these petitioners seek redress? Does slavery in this District interfere with them? Have they any local or general interest in the matter? Or are you to elect this Government into an ethical college? If so, sir, I plead to the jurisdiction. It is not a tribunal before which we can be brought. Has the constitution guarantied to these people, having neither a general nor local interest in the matter, the right to come here and require me to weaken and abolish the very institution which I represent? Am I, acting for three fifths of the slave population of South Carolina, to impugn the very principle upon which I hold my seat? Shall I, sir, bound by ties that will cleave to me through life, to protect and defend the character of my constituents, submit to this insolent dictation, and lend a helping hand to cover that character with insult and opprobrium? Let me suppose a case. Suppose that you were called upon to establish a general national religion, would you consider the proposition for one moment? Certainly you would not. Why, then, consider this proposition? What right have these petitioners to interfere between the District of Columbia and its slaves? The constitution authorizes the taking of private property for public uses: but the use of property supposes its continuance. From what funds is this property to be purchased? From those of the United States? from my funds? from the funds of South Carolina? Am I to furnish a torch for my own dwelling, a knife for my own throat?

Sir, the Government has the same power over this District that it has over a State, and it has no more. There is no adjudicated case, no dictum, admitting any further jurisdiction. Maryland and Virginia, slaveholding States, ceded these ten miles square to the general Government; and for what? That an unlimited despotism might be exercised in it? No, sir; they gave it in trust. There was an implied understanding that nothing injurious to their interests should be transacted within its borders; that here, at least, the cause of agitation and rebellion should find no material for its purpose; that here the wild frenzy of the abolitionists should neither be confirmed nor promoted; that here the mad and odious, the rash, stormy, and uncompromising doctrines of these rancorous fanatics, should not gravitate as to a common centre. Why, sir, if one of the free States--if Pennsylvania, for instance--should cede to you her metropolis, you might, with the same propriety, place the nest egg of slavery there, as attempt to interfere with the mature development of that institution here. There is no distinction whatever--not the slightest; the cases are parallel. You are invested with no power to meddle or make; you are estopped by the constitution: and your fidelity to that instrument, your full and ready appreciation of it, is only to be shown by obeying its injunctions.

Looking, then, sir, all around at the plighted faith, the federal compact, existing between us and our Northern brethren, and at the friendship, and confidence, and sympathy, which should exist between us; looking at the letter and spirit of our glorious constitution, and cherishing an abiding trust in the virtue and patriotism of this Senate, we do hope (and no man who has character enough to come here, or, at any rate, to deserve to be here, can hope otherwise) that the portcullis of the constitution may be dropped between these men and our lives and property.

Sir, let me call upon you for the strongest possible action; let me ask you to restore a spirit of peace and harmony to members of the same confederacy, to brethren of the same family, to human beings speaking the same language, practising the same religion, having the same deep and solemn interest in the happiness and prosperity of our beloved country. Such action, consequent upon moderation, firmness, and good sense, will be at once honorable to you and satisfactory to the South. Instead of sweeping away our laws and institutions, our rights and property, it will go abroad with healing on its wings. Instead of the fruits of bitterness, blood-thirsty tumults, house-burning, and massacre, the whole strength and fury of this excitement will be at once stifled and dissipated; and, instead of the confidence of the slaveholding States being withdrawn from the Government, never more to be restored, they will look upon it with yet more of honor, gratitude, and affection.

Mr. BUCHANAN said that, for two or three weeks past, there had been in his possession a memorial from the Caln Quarterly Meeting of the religious Society of Friends, in the State of Pennsylvania, requesting Congress to abolish slavery and the slave trade within the District of Columbia. This memorial was not a printed form; its language was not that in established use for such documents. It did not proceed from those desperate fanatics who have been endeavoring to disturb the security and peace of society in the Southern States, by the distribution of incendiary pamphlets and papers. Far different is the truth. It emanates from a society of Christians, whose object had always been to promote peace and good-will among men, and who have been the efficient and persevering friends of humanity in every clime. To their untiring efforts, more than to those of any other denomination of Christians, we owe the progress which has been made in abolishing the African slave trade throughout the world. This memorial was their testimony against the existence of slavery. This testimony they had borne for more than a century. Of the purity of their motives there can be no question.

He had omitted to present this memorial at an earlier day, because he had thought that, on its presentation at the proper time, much good might be done. He had believed that, by private consultations, some resolution might be devised upon this exciting subject, which would obtain the unanimous vote of the Senate. If there was one man in that body not willing to adopt any proper measure to calm the troubled spirit of the South, he did not know him. This, in his judgment, would be the best mode of accomplishing the object which we all desire to accomplish. The proper course to attain this result was, in his opinion, to refer the subject, either to a select committee, or to the Committee for the District of Columbia. They would examine it in all its bearings; they would ascertain the views and feelings of individual Senators, and he had no doubt they would be able to recommend some measure to the Senate on which they could all unite. This would have a most happy effect upon the country. He had intended, upon presenting the memorial which he had in charge, to have suggested this mode of proceeding. He regretted, therefore, that he had not known that his friend from Ohio [Mr. MORRIS] was in possession of memorials having a similar object in view. If he had been informed of it, he should have endeavored to persuade him to wait until Monday next, when he (Mr. B.) would have been prepared to pursue the course he had indicated. But the question has now been forced upon us. No, (said Mr. B.,) it has not been forced upon me, because I am glad to have a suitable occasion of expressing my opinions upon the subject.

The memorial which I have in my possession is entitled to the utmost respect, from the character of the memorialists. As I entirely dissent from the opinion which they express, that we ought to abolish slavery in the District of Columbia, I feel it to be due to them, to myself, and to the Senate, respectfully, but firmly, to state the reasons why I cannot advocate their views or acquiesce in their conclusions.

If any one principle of constitutional law can, at this day, be considered as settled, it is, that Congress have no right, no power, over the question of slavery within those States where it exists. The property of the master in his slave existed in full force before the federal constitution was adopted. It was a subject which then belonged, as it still belongs, to the exclusive jurisdiction of the several States. These States, by the adoption of the constitution, never yielded to the general Government any right to interfere with the question. It remains where it was previous to the establishment of our confederacy.

The constitution has, in the clearest terms, recognised the right of property in slaves. It prohibits any State into which a slave may have fled from passing any law to discharge him from slavery, and declares that he shall be delivered up by the authorities of such State to his master. Nay, more; it makes the existence of slavery the foundation of political power, by giving to those States within which it exists, Representatives in Congress, not only in proportion to the whole number of free persons, but also in proportion to three fifths of the number of slaves.

An occasion very fortunately arose in the first Congress to settle this question for ever. The society for the abolition of slavery in Pennsylvania brought it before that Congress by a memorial, which was presented on the 11th day of February, 1790. After the subject had been discussed for several days, and after solemn deliberation, the House of Representatives, in Committee of the Whole, on the 23d day of March, 1790, resolved "That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them, within any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require."

I have thought it would be proper to present this decision, which was made almost half a century ago, distinctly to the view of the American people. The language of the resolution is clear, precise, and definite. It leaves the question where the constitution left it, and where, so far as I am concerned, it ever shall remain. The constitution of the United States never would have been called into existence; instead of the innumerable blessings which have flowed from our happy Union, we should have had anarchy, jealousy, and civil war, among the sister republics of which our confederacy is composed, had not the free States abandoned all control over this question. For one, whatever may be my opinions upon the abstract question of slavery, (and I am free to confess they are those of the people of Pennsylvania,) I shall never attempt to violate this fundamental compact. The Union will be dissolved, and incalculable evils will rise from its ashes, the moment any such attempt is seriously made by the free States in Congress.

What, then, are the circumstances under which these memorials are now presented? A number of fanatics, led on by foreign incendiaries, have been scattering "arrows, firebrands, and death," throughout the Southern States. The natural tendency of their publications is to produce dissatisfaction and revolt among the slaves, and to incite their wild passions to vengeance. All history, as well as the present condition of the slaves, proves that there can be no danger of the final result of a servile war. But, in the mean time, what dreadful scenes may be enacted, before such an insurrection, which would spare neither age nor sex, could be suppressed! What agony of mind must be suffered, especially by the gentler sex, in consequence of these publications! Many a mother clasps her infant to her bosom when she retires to rest, under dreadful apprehensions that she may be aroused from her slumbers by the savage yells of the slaves by whom she is surrounded. These are the works of the abolitionist. That their motives may be honest I do not doubt; but their zeal is without knowledge. The history of the human race presents numerous examples of ignorant enthusiasts, the purity of whose intentions cannot be doubted, who have spread devastation and bloodshed over the face of the earth.

These fanatics, instead of benefiting the slaves who are the objects of their regard, have inflicted serious injuries upon them. Self-preservation is the first law of nature. The masters, for the sake of their wives and children, for the sake of all that is near and dear to them on earth, must tighten the reins of authority over their slaves. They must thus counteract the efforts of the abolitionists. The slaves are denied many indulgences which their masters would otherwise cheerfully grant. They must be kept in such a state of bondage as effectually to prevent their rising. These are the injurious effects produced by the abolitionists upon the slave himself. Whilst, on the one hand, they render his condition miserable, by presenting to his mind vague notions of freedom never to be realized, on the other, they make it doubly miserable, by compelling the master to be severe, in order to prevent any attempts at insurrection. They thus render it impossible for the master to treat his slave according to the dictates of his heart and his feelings.

Besides, do not the abolitionists perceive that the spirit which is thus roused must protract to an indefinite period the emancipation of the slave? The necessary effect of their efforts is to render desperate those to whom the power of emancipation exclusively belongs. I believe most conscientiously, in whatever light this subject can be viewed, that the best interests of the slave require that the question should be left, where the constitution has left it, to the slaveholding States themselves, without foreign interference.

This being a true statement of the case, as applied to the States where slavery exists, what is now asked by these memorialists? That in this District of ten miles square--a District carved out of two slaveholding States, and surrounded by them on all sides--slavery shall be abolished. What would be the effects of granting their request? You would thus erect a citadel in the very heart of these States, upon a territory which they have ceded to you for a far different purpose, from which abolitionists and incendiaries could securely attack the peace and safety of their citizens. You establish a spot within the slaveholding States which would be a city of refuge for runaway slaves. You create by law a central point from which trains of gunpowder may be securely laid, extending into the surrounding States, which may at any moment produce a fearful and destructive explosion. By passing such a law, you introduce the enemy into the very bosom of these two States, and afford him every opportunity to produce a servile insurrection. Is there any reasonable man who can for one moment suppose that Virginia and Maryland would have ceded the District of Columbia to the United States, if they had entertained the slightest idea that Congress would ever use it for any such purpose? They ceded it for your use, for your convenience, and not for their own destruction. When slavery ceases to exist under the laws of Virginia and Maryland, then, and not till then, ought it to be abolished in the District of Columbia.

Mr. B. said that, notwithstanding these were his opinions, he could not vote for the motion of the Senator from South Carolina, [Mr. CALHOUN,] not to receive these memorials. He would not at present proceed to state his reasons, still hoping the Senate could yet agree upon some course which would prove satisfactory to all. With this view, he moved that the whole subject be postponed until Monday next.

Mr. BENTON rose to express his concurrence in the suggestion of the Senator from Pennsylvania, [Mr. BUCHANAN,] that the consideration of this subject be postponed until Monday. It had come up suddenly and unexpectedly to-day, and the postponement would give an opportunity for Senators to reflect, and to confer together, and to conclude what was best to be done where all were united in wishing the same end, namely, to allay, and not to produce, excitement. He had risen for this purpose; but, being on his feet, he would say a few words on the general subject, which the presentation of these petitions had so suddenly and unexpectedly brought up. With respect to the petitioners, and those with whom they acted, he had no doubt but that many of them were good people, aiming at benevolent objects, and endeavoring to ameliorate the condition of one part of the human race, without inflicting calamities on another part; but they were mistaken in their mode of proceeding, and so far from accomplishing any part of their object, the whole effect of their interposition was to aggravate the condition of those in whose behalf they were interfering. But there was another part, and he meant to speak of the abolitionists generally, as the body containing the part of which he spoke; there was another part whom he could not qualify as good people seeking benevolent ends by mistaken means, but as incendiaries and agitators, with diabolical objects in view, to be accomplished by wicked and deplorable means. He did not go into the proofs now to establish the correctness of his opinion of this latter class, but he presumed it would be admitted that every attempt to work upon the passions of the slaves, and to excite them to murder their owners, was a wicked and diabolical attempt, and the work of a midnight incendiary. Pictures of slave degradation and misery, and of the white man's luxury and cruelty, were attempts of this kind; for they were appeals to the vengeance of slaves, and not to the intelligence or reason of those who legislated for them. He (Mr. B.) had had many pictures of this kind, as well as many diabolical publications, sent to him on this subject, during the last summer, the whole of which he had cast into the fire, and should not have thought of referring to the circumstance at this time, as displaying the character of the incendiary part of the abolitionists, had he not within these few days past, and while abolition petitions were pouring into the other end of the Capitol, received one of these pictures, the design of which could be nothing but mischief of the blackest dye. It was a print from an engraving, (and Mr. B. exhibited it, and handed it to Senators near him,) representing a large and spreading tree of liberty, beneath whose ample shade a slave owner was at one time luxuriously reposing, with slaves fanning him; at another carried forth in a palanquin, to view the half-naked laborers in the cotton field, whom drivers, with whips, were scourging to the task. The print was evidently from the abolition mint, and came to him by some other conveyance than that of the mail, for there was no post mark, or mark of any kind, to identify its origin and to indicate its line of march. For what purpose could such a picture be intended, unless to inflame the passions of slaves? And why engrave it, except to multiply copies for extensive distribution? But it was not pictures alone that operated upon the passions of the slaves, but speeches, publications, petitions presented in Congress, and the whole machinery of abolition societies. None of these things went to the understandings of the slaves, but to their passions, all imperfectly understood, and inspiring vague hopes, and stimulating abortive and fatal insurrections. Societies, especially, were the foundation of the greatest mischiefs. Whatever might be their objects, the slaves never did, and never can, understand them but in one way: as allies organized for action, and ready to march to their aid on the first signal of insurrection! It was thus that the massacre of San Domingo was made. The society in Paris, *Les Amis des Noirs*, Friends of the Blacks, with its affiliated societies throughout France and in London, made that massacre. And who composed that society? In the beginning, it comprised the extremes of virtue and of vice; it contained the best and the basest of human kind! Lafayette and the abbe Gregoire, those purest of philanthropists; and Marat and Anacharsis Chlootz, those imps of hell in human shape. In the end, for all such societies run the same career of degeneration, the good men, disgusted with their associates, retired from the scene, and the wicked ruled at pleasure. Declamations against slavery, publications in gazettes, pictures, petitions to the constituent assembly, were the mode of proceeding; and the fish women of Paris—he said it with humiliation, because American females had signed the petitions now before us—the fish women of Paris, the very *poissardes* from the quays of the Seine, became the obstreperous champions of West India emancipation. The effect upon the French islands is known to the world; but what is not known to the world, or not sufficiently known to it, is that the same societies which wrapt in flames and drenched in blood the beautiful island, which was then a garden and now a wilderness, were the means of exciting an insurrection upon our own continent; in Louisiana, where a French slave population existed, and where the language of *Les Amis des Noirs* could be understood, and where their emissaries could glide. The knowledge of this event (Mr. B. said) ought to be better known, both to show the danger of these societies, however distant, and though oceans may roll between them and their victims, and the fate of the slaves who may be excited to insurrection by them on any part of the American continent. He would read the notice of the event from the work of Mr. Charles Gayarre, lately elected by his native State to a seat on this floor, and whose resignation of that honor he sincerely regretted, and particularly for the cause which occasioned it, and which abstracted talent from a station that it would have adorned. Mr. B. read from the work, "*Essai Historique Sur la Louisiane.*" "The white population of Louisiana was not the only part of the population which was agitated by the French revolution. The blacks, encouraged without doubt by the success which their race had obtained in San Domingo, dreamed of liberty and sought to shake off the yoke. The insurrection was planned at Pointe Coupeé, which was then an isolated parish, and in which the number of slaves was considerable. The conspiracy took birth on the plantation of Mr. Julien Poydras, a rich planter, who was then travelling in the United States, and spread itself rapidly throughout the parish. The death of all the whites was resolved. Happily the conspirators could not agree upon the day for the massacre, and from this disagreement resulted a quarrel, which led to the discovery of the plot. The militia of the parish immediately took arms, and the Baron de Carondelet caused them to be supported by the troops of the line. It was resolved to arrest, and to punish the principal conspirators. The slaves opposed it; but they were quickly dispersed, with the loss of twenty of their number killed on the spot. Fifty of the insurgents were condemned to death. Sixteen were executed in different parts of the parish; the rest were put on board a galley and hung at intervals, all along the river, as far as New Orleans, (a distance of one hundred and fifty miles.) The severity of the chastisement intimidated the blacks, and all returned to perfect order."

Resuming his remarks, Mr. B. said he had read this passage to show that our white population had a right to dread, nay, were bound to dread, the mischievous influence of these societies, even when an ocean intervened, and much more when they stood upon the same hemisphere, and within the bosom of the same country. He had also read it to show the miserable fate of their victims, and to warn all that were good and virtuous—all that were honest, but mistaken--in the three hundred and fifty affiliated societies, vaunted by the individuals who style themselves their executive committee, and who date, from the commercial emporium of this Union, their high manifesto against the President; to warn them at once to secede from associations which, whatever may be their designs, can have no other effect than to revive in the Southern States the tragedy, not of San Domingo, but of the parish of Pointe Coupeé.

Mr. B. went on to say that these societies had already perpetrated more mischief than the joint remainder of all their lives spent in prayers of contrition, and in works of retribution, could ever atone for. They had thrown the state of the emancipation question fifty years back. They had subjected every traveller, and every emigrant, from the non-slaveholding States, to be received with coldness, and viewed with suspicion and jealousy, in the slaveholding States. They had occasioned many slaves to lose their lives. They had caused the deportation of many ten thousands from the grain-growing to the planting States. They had caused the privileges of all slaves to be curtailed, and their bonds to be more tightly drawn. Nor was the mischief of their conduct confined to slaves; it reached the free colored people, and opened a sudden gulf of misery to that population. In all the slave States, this population has paid the forfeit of their intermediate position, and suffered proscription as the instruments, real or suspected, of the abolition societies. In all these States, their exodus had either been enforced or was impending. In Missouri there was a clause in the constitution which prohibited their emigration to the State; but that clause had remained a dead letter in the book until the agitation produced among the slaves by the distant rumbling of the abolition thunder, led to the knowledge in some instances, and to the belief in others, that these people were the antennæ of the abolitionists, and their medium for communicating with the slaves, and for exciting them to desertion first, and to insurrection eventually. Then ensued a painful scene. The people met, resolved, and prescribed thirty days for the exodus of the obnoxious caste. Under that decree a general emigration had to take place at the commencement of winter. Many worthy and industrious people had to quit their business and their homes, and to go forth under circumstances which rendered them objects of suspicion wherever they went, and sealed the door against the acquisition of new friends while depriving them of the protection of old ones. He (Mr. B.) had witnessed many instances of this kind, and had given certificates to several, to show that they were banished, not for their offences, but for their misfortunes; for the misfortune of being allied to the race which the abolition societies had made the object of their gratuitous philanthropy.

Having said thus much of the abolition societies in the non-slaveholding States, Mr. B. turned, with pride and exultation, to a different theme--the conduct of the great body of the people in all these States. Before he saw that conduct, and while the black question, like a portentous cloud was gathering and darkening on the Northeastern horizon, he trembled, not for the South, but for the Union. He feared that he saw the fatal work of dissolution about to begin, and the bonds of this glorious confederacy about to snap; but the conduct of the great body of the people in all the non-slaveholding States quickly dispelled that fear, and in its place planted deep the strongest assurance of the harmony and indivisibility of the Union which he had felt for many years. Their conduct was above all praise, above all thanks, above all gratitude. They had chased off the foreign emissaries, silenced the gabbling tongues of female dupes, and dispersed the assemblages, whether fanatical, visionary, or incendiary, of all that congregated to preach against evils which afflicted others, not them, and to propose remedies to aggravate the disease which they pretended to cure. They had acted with a noble spirit. They had exerted a vigor beyond all law. They had obeyed the enactments, not of the statute book, but of the heart; and while that spirit was in the heart, he cared nothing for laws written in a book. He would rely upon that spirit to complete the good work it has began; to dry up these societies; to separate the mistaken philanthropist from the reckless fanatic and the wicked incendiary, and put an end to publications and petitions which, whatever may be their design, can have no other effect than to impede the object which they invoke, and to aggravate the evil which they deplore.

Turning to the immediate question before the Senate, that of the rejection of the petitions, Mr. B. said his wish was to give that vote which would have the greatest effect in putting down these societies. He thought the vote to be given to be rather one of expediency than of constitutional obligation. The clause in the constitution so often quoted in favor of the right of petitioning for a redress of grievances would seem to him to apply rather to the grievances felt by ourselves than to those felt by others, and which others might think an advantage, what we thought a grievance. The petitioners from Ohio think it a grievance that the people of the District of Columbia should suffer the institution of slavery, and pray for the redress of that grievance; the people of the District think the institution an advantage, and want no redress; now, which has the right of petitioning? Looking to the past action of the Senate, Mr. B. saw that, about thirty years ago, a petition against slavery, and that in the States, was presented to this body by the society of Quakers in Pennsylvania and New Jersey, and that the same question upon its reception was made, and decided by yeas and nays, 19 to 9, in favor of receiving it. He read the names, to show that the Senators from the slave and non-slaveholding States voted some for and some against the reception, according to each one's opinion, and not according to the position or the character of the State from which he came. Mr. B. repeated that he thought this question to be one of expediency, and that it was expedient to give the vote which would go furthest towards quieting the public mind. The quieting the South depended upon quieting the North; for when the abolitionists were put down in the former place, the latter would be at ease. It seemed to him, then, that the gentlemen of the non-slaveholding States were the proper persons to speak first. They knew the temper of their own constituents best, and what might have a good or an ill effect upon them, either to increase the abolition fever, or to allay it. He knew that the feeling of the Senate was general; that all wished for the same end; and the gentlemen of the

North as cordially as those of the South. He wished the subject to lie over till Monday, and then to hear the opinions of those gentlemen after they had had time to consider and to confer together.

Mr. **TYLER** rose and stated that he should have somewhat preferred a different course. With the most profound respect for the Senator from South Carolina, and his general course, still he did not think that his proposition on this subject was one which fully met the case. The right to receive or reject a petition is exercised on ordinary occasions, (said Mr. T.,) and the grounds on which motions of this kind are justified are numerous. A mere motion to reject is not adapted to a case like this, and is not such as should come from Senators whose State has been so grossly and wantonly libelled. Would the rejection of these petitions be so satisfactory to the State which the honorable Senator represents, as some other course which may be pointed out? It may be inferred that they were rejected solely on account of the disrespectful character of the language employed. The motion is one which does not touch the question of the competency of Congress. I want to see something more emphatic, more pointed; a positive disclaimer, on the part of Congress, of all competence to act on the subject; and I think that, from the spirit which I see manifested around me, we may succeed in obtaining a positive and actual disclaimer. The Senator from Ohio has referred to the exclusive power of Congress over the District of Columbia. From this doctrine, which I now hear the Senator advocate, and for which I have never before heard him contend, I fear he will not be inclined to go the whole length of my proposition. The object of the Senator from South Carolina and mine are the same—to put an end to the disquietude and insecurity which prevail in the South; and the only difference between us is as to the mode in which this can most effectually be done. What is the proposition which is made? Does it reach the subject? I think we ought to adopt a distinct and positive resolution, disclaiming any power in Congress to legislate on this subject. How is such a resolution to be obtained? In the usual manner in which resolutions are brought into this body. I would make no war with this petition, but would suffer it to go to the Committee for the District of Columbia, as others before it have gone. Not that, as chairman of that committee, I court the labor which it would impose; but because, from the construction of that committee, I believe a resolution would have been reported, declaring that the Senate had not the power to meddle with the subject. I believe the course we are taking is giving to these petitions too much consequence. Let them go to the lion's den, and there will be no footprints to show their return. The committee will meet them with a declaration that there is no power in Congress to do what the petitioners ask. I believe, also, that, with the exception of the Senator from Ohio, there would be no dissonance in the tone of the Senate on this subject. This, however, I only give as an opinion.

This is a question on which I cannot differ with the gentleman from South Carolina. I do not mean to rant about it here, nor to manifest any particular feelings, nor to ask the sympathies of Pennsylvania. The South is stronger than many believe her to be. It is true, no man's dwelling is safe from the midnight incendiary; but the incendiary is not to be found when the day breaks; he finds his only safety in skulking into obscurity, or flying to some distant spot. The efforts of these incendiaries have a tendency to the destruction of the whole of the black population. The incendiary walks abroad at night, and vanishes by day. Virginia fears no servile war; she fears only the midnight assassin. In the face of the broad day, her strength is sufficient to put down every thing like insurrection. She scorns to ask the commiseration of her sister States. All she asks of the North is, that her Senators will sustain the slaveholding States by adopting a resolution disclaiming any power in Congress to aid the views of wild and fanatic abolitionists, by interfering with the question of slavery. I feel that I am addressing men who are identified with our system of Government; and I frankly confess that I have no fear of this body. I verily believe that the Senate will be true to their oaths, and will be ready to defend every State of the Union If we shall find, notwithstanding, that I am mistaken in this belief, we can then stand on our rights. If I find any movement can be made, which may be satisfactory to the Southern States, and which will obtain the unanimous sanction of the North, I shall not be found to stand on any minor point which may create a division.

Mr. **BROWN** felt himself constrained, by a sense of duty to the State from which he came, deeply and vitally interested as she was in every thing connected with the agitating question which had unexpectedly been brought into discussion that morning, to present, in a few words, his views as to the proper direction which should be given to that and all other petitions relating to slavery in the District of Columbia. He felt himself more especially called on to do so from the aspect which the question had assumed, in consequence of the motion of the gentleman from South Carolina, [Mr. CALHOUN,] to refuse to receive the petition. He had believed from the first time he had reflected on this subject, and subsequent events had but strengthened that conviction, that the most proper disposition of all such petitions was to lay them on the table without printing. This course, while it indicated to the fanatics that Congress will yield no countenance to their designs, at the same time marks them with decided reprobation by a refusal to print. But, in his estimation, another reason gave to the motion to lay them on the table a decided preference over any other proceedings by which they should be met. The peculiar merit of this motion, as applicable to this question, is, that it precludes all debate, and would thus prevent the agitation of a subject in Congress which all should deprecate as fraught with mischief to every portion of this happy and flourishing confederacy.

Mr. B. said that honorable gentlemen who advocated this motion had disclaimed all intention to produce agitation on this question. He did not pretend to question the sincerity of their declarations, and, while willing to do every justice to their motives, he must be allowed to say that no method could be devised better calculated, in his judgment, to produce such a result.

He (Mr. B.) most sincerely believed that the best interests of the Southern States would be most consulted by pursuing such a course here as would harmonize the feelings of every section, and avoid opening for discussion so dangerous and delicate a question. He believed all the Senators who were present a few days since, when a petition of similar character had been presented by an honorable Senator, had, by their votes to lay it on the table, sanctioned the course which he now suggested.

[Mr. CALHOUN, in explanation, said that himself and his colleague were absent from the Senate on the occasion alluded to.]

Mr. B. resumed his remarks, and said that he had made no reference to the votes of any particular members of that body, but what he had said was, that a similar petition had been laid on the table without objection from any one, and consequently by a unanimous vote of the Senators present. Here, then, was a most emphatic declaration, by gentlemen representing the Northern States as well as those from other parts of the Union, by this vote, that they will entertain no attempt at legislation on the question of slavery in the District of Columbia. Why, then, asked Mr. B., should we now adopt a mode of proceeding calculated to disturb the harmonious action of the Senate, which had been produced by the former vote? Why (he would respectfully ask of honorable gentlemen who press the motion to refuse to receive the petition) and for what beneficial purpose do they press it? By persisting in such a course it would, beyond all doubt, open a wide range of discussion; it would not fail to call forth a great diversity of opinion in relation to the extent of the right to petition under the constitution. Nor would it be confined to that question alone, judging from an expression which had fallen from an honorable gentleman from Virginia [Mr. TYLER] in the course of this debate. That gentleman had declared his preference for a direct negative vote by the Senate, as to the constitutional power of Congress to emancipate slaves in the District of Columbia. He, for one, protested, politically speaking, against opening this Pandora's box in the halls of Congress. For all beneficial and practical purposes, an overwhelming majority of the members representing the Northern States were, with the South, in opposition to any interference with slavery in the District of Columbia. If there was half a dozen in both branches of Congress who did not stand in entire opposition to any interference with slavery, in this District or elsewhere, he had yet to learn it. Was it wise, was it prudent, was it manganimous, in gentlemen representing the Southern States, to urge this matter still further, and say to our Northern friends in Congress, "Gentlemen, we all agree in the general conclusion, that Congress should not interfere in this question, but we wish to know your reasons for arriving at this conclusion; we wish you to declare, by your votes, whether you arrive at this result because you think it unconstitutional or not?" Mr. B. said that he would yield to none in zeal in sustaining and supporting, to the extent of his ability, what he believed to be the true interest of the South; but he should take leave to say that, when the almost united will of both branches of Congress, for all practical purposes, was with us, against all interference on this subject, he should not hazard the peace and quiet of the country by going on a Quixotic expedition in pursuit of abstract constitutional questions. He would not quarrel with gentlemen so long as they continued in the determination not to interfere in this question, even if they did not come to that determination by precisely the same mode of reasoning with himself. Mr. B. said it appeared to him that the true course of those representing the South here was to occupy a defensive position, so long as others were disposed not to discuss it, and Congress refused to exert any legislative authority over the subject. When that attempt was made, if it ever should be, he should say the time for discussion had passed, and a period had arrived which called for other and more vigorous means of self-defence.

Another, and not the least weighty, reason had operated on his mind in bringing it to the conclusion that the motion to reject the petition was injudicious. If successful, nothing would perhaps be more agreeable to the fanatics (he thought they should be more properly called fiends in human shape, who would endeavor to lay waste the happiness and liberties of this country) than the intelligence that they had received this mark of notice, and to them, of consequence, from the Congress of the United States. Mr. B. said, in his judgment, that man was but little skilled in the passions of the human breast, who did not know that there was no error, however great, nor any heresy, however abominable, either in religion or politics, which might not be aided by the cry of persecution, however unfounded it might be in fact. Fanaticism would seize on it, to enlist the sympathies of the weak and ignorant in their behalf. Wicked and fanatical men had done this, in all ages, and he doubted not but the malignant spirits who had been laboring in this detestable vocation would cunningly seek to avail themselves of any means to further their diabolical designs. Another, and, with him, equally decisive reason against any course calculated to throw the subject open to discussion here, was the almost universal manifestation at the North, during the past summer and fall, of that fraternal and patriotic feeling towards the South, which he trusted would continue to exert its happy effect in preserving, unimpaired, the bonds of the union of these States. He rejoiced at this strong development of feeling, not only because it had contributed to repress the movements of dangerous enemies to the peace and happiness of our country in that quarter, but because it had dispelled the insidious misrepresentations in regard to the sentiments of the great body of the Northern people, which certain presses had, as he believed, both in the North and South, most industriously used, for the most sinister purposes. What were the facts, as to the public opinion of the North, on this subject? But a short time had passed by since most of the active leaders of this fanatical band were contemptible fugitives, in different parts of the North, where they had attempted to exhibit, from the insulted and generous indignation of a patriotic people, who wished to preserve the peace of the country and their obligations to us as members of the same confederacy. That an active and daring band of these incendiaries existed none could doubt, but that they formed a very small portion of the great mass of the Northern people, we not only had the assurances of public meetings, which had assembled almost throughout that quarter, attended by the most respectable and distinguished citizens, but we had here, but a short time since, the declarations of many of the Senators from the non-slaveholding States, that this class of individuals was but small, and that they were countenanced by no respectable portion of those States. He had been assured, since his arrival here, by gentlemen representing the Northern States, that an abolition discourse could not be delivered among those whom they represented, without endangering the safety of the person attempting it. In addition to this, he would say, that the action of the federal Government, through the Post Office Department, was protective of the rights of the South against incendiary publications. If Postmasters to the North and South did their duty, as sanctioned by the head of that Department, these enemies of our Government and of the human race were cut off from circulating, through that medium, their firebrands of mischief. Under these circumstances, was this a time for us to throw open the door to discussion on this subject, and thus assist in exacerbating feelings which had already been enough excited. He thought it only necessary to contrast the proceedings of the Senate on the petition to which he had before alluded, and which had been laid on the table by the unanimous vote of the Senators present, with the proceedings of to-day, to show the decided wisdom of taking the same course in relation to the present and all similar petitions. The petition which had been quietly inurned by the motion to lay on the table, had scarcely been thought of or heard of since, consigned as it had been to the insignificance and contempt of mortifying neglect and want of notice. What was the fact, in relation to the proposed mode of proceeding, as to the present petition? The Senate had already found itself engaged in a debate, which no one could foresee the direction of, thus producing agitation and dignifying with undeserved, and, no doubt, gratifying notoriety to the fanatics, a miserable effusion, which, but for this proceeding, would have fallen into obscurity and contempt. He (Mr. B.) had nothing to ask from the North, as one of the representatives of a Southern State, more than we were entitled to under the compact with our sister States, and from that feeling of fraternal regard which, for many purposes, made us the same people. He, however, was disposed to act upon this, as upon all other occasions, in that spirit of conciliation in which our federal Government had originated, and without which it could not survive. He would not quarrel with gentlemen, so long as they took decided ground against any interference on this question, even if they should differ as to some abstract questions in relation to it. He believed, most sincerely, that the almost universal sentiment of the intelligent and respectable portion of the North was against any interference, either in the District of Columbia or elsewhere, on this delicate subject. In this feeling of confidence, he was in favor of clinging to the union of the States, as the great source of our safety, happiness, and liberty. He would not for a moment believe that either of the great sections of this country would so far forget its just obligations to the other, by such an outrage upon its constitutional rights as would end in the overthrow of a Government won by the united valor and patriotism of their ancestors.

Mr. LEIGH. As a motion had been made to postpone this discussion until Monday, I shall not now trouble the Senate with the remarks which I had intended to make; but whenever the question shall again come up, I shall consider it my duty to make some observations, that my views of the constitutional question may not be mistaken. I said the other day that I had never conversed with a single Northern gentleman whose opinions on this subject gave me any dissatisfaction. I then thought it my duty to make this declaration. Since I made that remark, a pamphlet has been sent to me, being a review of another pamphlet written by a Northern gentleman, for whose character and piety and talents I have ever felt the most unbounded respect and veneration; and there are, in the review which has been sent to me, extracts from the pamphlet of this gentleman, which are peculiarly fitted to operate on the feelings of the representatives of the State of Virginia on this floor. If these extracts be true--but I have not yet seen the original pamphlet--this reverend gentleman, who appears to have been for some time in Virginia, although now a resident of Massachusetts, received some impressions as to the moral condition of Virginia, which have poisoned his mind so completely on this subject, that, if any of the intelligent persons who compose his congregation shall imbibe his opinions, I cannot but think we are approaching a very fearful crisis.

When the gentleman from North Carolina speaks of contemptible fanatics, if by contemptible he means incapable of mischief, I must dissent from the correctness of the expression. In every sentiment of allegiance to this Government, allegiance of the heart as well as the understanding, I concur with that gentleman. I will say nothing more at present. But when the subject shall again come before the Senate, I shall feel myself bound to offer my views at large; and if there should be any thing in my language which may appear to have a tendency to cause agitation, or to wound the feelings of any individual, I must leave it to the result to justify the purity of my motives, and to show that the tendency of all I shall utter is to conciliation.

Mr. PRESTON. I was not in my seat, sir, when a petition similar to this was a few days since laid upon the table. Had I been, it would not have gone there *sub silentio*. Sir, I must express my astonishment at the remarks of the gentleman from North Carolina. Has this discussion been brought on by the Southern States? No, sir. Is discussion of any kind unnecessary? Is there nothing peculiar in the aspect of affairs; no extraordinary efforts making at the North; nothing unusual in public sentiment and feeling to authorize this discussion? Sir, why has not North Carolina taken up this matter and in this way before?

Every Governor of every slaveholding State has called the attention of its Legislature to this subject; the whole public mind has been convulsed; all men of all parties are shaken and excited; and lo! the Senator from North Carolina exhorts us to be quiet. An enemy, savage, remorseless, and indignant, is thundering at our gates, and the gentleman tells us to fold our arms. Our hearths and altars are running with blood and in flames; be quiet, says the gentleman. The storm is bursting upon us that is to sweep away the bulwarks of our freedom and union, and fill the land with convulsion and anarchy; but sit still, says the honorable Senator. He sees no danger, no cause of alarm; no, not the slightest. Petitioners, the mad instruments for accomplishing this unhallowed work, are thronging here by thousands; incendiary pamphlets are circulated; incendiary meetings held; insult, threats, and denunciations, are heaped upon us; but we are not to lift a voice or raise a finger. Oh! no, sir; keep quiet; all around is a profound calm. Sir, we whose lives and property are at stake, we who have every motive to move, are we alone to be quiet? It may be that there is some object in this. It may be that wicked and designing men have mixed up this matter with others foreign to it. I trust not, sir; I trust that all parties will act in harmony with each other on a point which so immediately affects the public weal. The South, sir, has not produced this excitement. She has not sought this discussion. It has been accomplished by other men and other means. By these selfish and morose fanatics—these wild disturbers, whose schemes will involve this country and the world in confusion and calamity. This is the child of agitation—of that agitation which drives our very women from the decencies and duties of their sex.

Do we demand any thing here, sir, that we are not entitled to? There is not a Senator present, unless it is the gentleman from Ohio, that so believes. Sir, I feel, with the Senator from Missouri, the most profound respect for the talent and integrity, the ability, boldness, and zeal, of the leading men of the North during the last summer. I thank them for checking the excitement there as far as they were able. I thank the gentleman from Pennsylvania also, that he is found side by side with us in this crisis. That while the Senator from a slaveholding State sees no cause of unnecessary agitation—while he would have us be quiet, nor place our foot on the torch that is about to consume our dwellings, the Senator from the great and free State of Pennsylvania identifies himself with our feelings and interests, and sees, as we do, all around, the materials of discord, disunion, and destruction.

Sir, I invoke him, and all who think with him, to extinguish the fire which will wrap this country in flames. The Southern country is filled with alarm and discontent: let us, by the rejection of this petition, remove instead of increasing it. Let us check this wild crusade while yet we may; and, for God's sake, let us meet with no political opposition in so doing. Adopt some measure by which we can obtain the security we are entitled to. Reject this petition. Public good and abstract right both call upon you to do so. Prevent this swollen and turbid torrent of fanaticism from overwhelming these halls. One pigmy rill has found its way here—let it be the last. I, at least, sir, will not aid in undermining our institutions; I will not fan the flame of fanaticism, and aid that fanaticism in producing the worst of consequences. Should I do so, I should prove recreant to my trust.

Mr. BROWN begged leave to say one word more before the question was taken. The honorable gentleman from South Carolina [Mr. PRESTON] had asked, in a very emphatic manner, if, when the burning torch was thrown into the House, he, as a Southern man, would not be ready to extinguish it. He would answer that he was ready, but he would also say that he was not ready to pour oil on the torch and increase the flame into a conflagration which might destroy the Union. The honorable gentleman had said he would not have discharged his duty to the South had he not exposed and proclaimed the danger, and seemed to think him not vigilant enough because he did not take the same course. He was, perhaps, not gifted with the keen perspicacity of the gentleman from South Carolina; he admitted that he was unable to discover the benefit that would result to the South, or any other portion of the country, from pursuing a course which would lead to the discussion and agitation of this subject here. Sir, the time has been when the high-minded members from the Southern States assumed an attitude highly honorable on this subject. What was it? Why, they declared that it was a subject on which they would not tolerate the slightest discussion. That was once the course of honorable gentlemen from the South on that floor. But that time had gone by; it appeared that new lights had sprung up, new discoveries had been made, and gentlemen were ready to go into the discussion of a subject that once was not permitted to be discussed at all. He, as one of the representatives of the Southern States, objected to any discussion which went to call in question the rights of the South. He was ready to go with Southern gentlemen in any measure that would prevent such discussion. He would go further. Whenever, said Mr. B., our Northern friends shall attempt in the slightest degree to interfere, by legislative action, with the rights of the South, (and he could with pleasure say that they had shown every disposition to repress such interferences,) let us, said he, depart from them—depart peaceably. The gentleman had asked, why should they in the Senate not express their opinions on this subject, when the Governors and Legislatures of the Southern States had done so? It was true that the Executives of the Southern States had recommended this subject to the consideration of their respective Legislatures. This it was their right and their duty to do; but he denied the right of Congress to discuss, or in any manner to interfere with, the subject. The gentleman from South Carolina would at once perceive the distinction between any action on this subject by the Legislatures of the States specially interested in it, and a discussion by Congress which had nothing to do with it. That was his answer to the gentleman.

Mr. WEBSTER said it could not have been expected by the Senate that a question of such deep interest would come up for discussion to-day. As a motion had been made to postpone the further discussion until Monday, and as it was now late, a motion to adjourn would have the effect of postponing the subject until Monday, assuming that the Senate would adjourn over to Monday. He would therefore ask the unanimous consent of the Senate to make the motion to adjourn.

Mr. CALHOUN said that he could have no objection to the motion to postpone, as he was desirous that every Senator should have ample time to deliberate before he was called on to record his vote; but as the opinion of some of the Senators might be more or less influenced by the course which he might think proper to pursue in relation to the question, he deemed it proper to declare that no consideration could induce him to withdraw the demand which he had made for the question on the reception of the petition. He had made it on full deliberation, and it was impossible that he could be induced to change his opinion. He desired the question to be put to the vote; and were there no other reason, there is one, to him imperious, why he should not forego this desire—the insolent, the false, and calumnious language which the petitions held towards the slaveholding States and every slaveholder in the Union. This body (said Mr. C.) presented to him a portentous, an amazing spectacle. Here are assembled the representatives of twenty four confederated States, to deliberate on their common interest and prosperity, seriously discussing the question, whether they shall or shall not receive petitions which basely calumniate the institutions of eleven of those States, which denounce their citizens as pirates, kidnappers, and dealers in human flesh! That a single individual from the States thus slandered should avow a determination to vote to receive so base a libel on the State he represents, as well as the entire South, was to him truly wonderful; and yet more wonderful, if possible, were the arguments he advanced in support of his intention. But more of this in its proper place.

Why, said Mr. C., should there be any hesitation to reject these petitions in any quarter? Is it from a feeling of delicacy to the petitioners? If such be the feelings of regard on the part of the Senators from the non-slaveholding States towards these mischievous agitators, what ought to be our feelings, to behold the entire South, by whose confidence we have been selected and placed here to guard their interest and honor, basely vilified in the face of the world? Is the hesitation because there are feelings diffused throughout the non-slaveholding States in relation to the subject of these petitions, so strong and so general, that, for political reasons, it is not thought desirable to disturb them? Are the two great parties who divide those States afraid to come into conflict with those opinions? If so, it is a decided reason why we of the South should insist on taking the question. It is important to our constituents that the fact should be known. He, said Mr. C., wished to be perfectly explicit on a point where our interest is so deeply concerned. He, with others, felt, as ought to be felt, for the open, manly, and decided course of a large portion of our Northern brethren during the last summer, against the criminal conduct of the fanatics; but he feared it has not checked the disease. He feared the true reason why there should be the least hesitation in rejecting these vile and libellous attacks on nearly half of the members of this Union was, that both parties are afraid to incur the displeasure of a party so strong as the incendiaries. He could not doubt but all who heard him reprobated the language of these petitions; and with such feelings he could not discover any other reason that was even plausible, but the one he apprehended. There were other reasons which induced him to fear the motive to which he referred was the true one. He had received, a few days since, a printed copy of a protest, signed by Arthur Tappan and several of his associates, remonstrating against the language used in the President's message against the fanatics, in which it is stated, boastingly, that, so far from being repressed by the proceedings against them to the North during the last summer, the number of their societies had increased from (if my memory be accurate) 250 to 350. In addition to this, he regarded the fact to which the Senator from Virginia [Mr. LEIGH] referred as proof but too strong that the fanatical spirit at the North was strong and increasing. He had not seen Dr. Channing's book; but that a divine of his eminence, and one of the most eloquent and polished writers of the country, should publish such a book at this time, was a matter for serious reflection to those he represented, as well as all who had similar interests. If he might judge of the whole from some of its extracts, it might be well compared with the incendiary publications of Garrison himself. It is a sad omen of the times, that he should lend the aid of his talents and character to criminal designs, the direct tendency of which is to work asunder the Union and subvert the constitution. But, said Mr. C., though the false and slanderous language of these petitions are to him imperious reasons for their rejection, there were others of a character not less decisive. The parties, as he stated when he was first up, call on Congress to abolish slavery in this District. He again repeated that Congress had no such power, no more than it has to abolish slavery in the States.

The fifth amendment of the constitution offers an insuperable barrier, which provides, among other things, that "no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public uses without just compensation." Are not slaves property? and if so, how can Congress any more take away the property of a master in his slave, in this District, than it could his life and liberty? They stand on the same ground. The one, in the eye of the constitution, is as sacred as the other. He would pass over the latter part of the sentence cited, on which his colleague had touched, and conclusively show that the proviso which it contained also opposed impassable barriers to emancipation by Congress in this District.

He, said Mr. C., felt the profoundest gratitude and respect to those watchful and jealous patriots who, at the time of the adoption of the constitution, would not agree to its ratification without proposing these amended articles, which were subsequently agreed to, and which contain those great limitations on power, of the importance of which he daily became more sensible. But it is said that Congress has, by the constitution, the exclusive right of legislation in this District. Grant it; and what then? Does the constitution mean that it has absolute power of legislation here? Certainly not. There are many important limitations on its powers in the District as well as in the States. Congress cannot, in the District, abridge the liberty of the press; it cannot establish a religion by law; it cannot abolish jury trial. In granting exclusive right of legislation, the constitution only intended to exclude all other legislative authority within the District, and not to create an absolute and despotic power in Congress over the lives and property of its citizens. Nor was the opinion less erroneous that Congress has the same unlimited power here that the States had within their respective limits. The two powers are wholly different. The latter was original, inherent, and sovereign; while the former was a derivative and delegated trust-power, given by the States for special purposes, and subject to be altered and rescinded at their pleasure.

But it is said that it would be a violation of the constitution not to receive these petitions. He denied that there was any provision in that instrument that made it their duty to receive them. He had again and again read the constitution, and could find none such, nor any thing like it. It is true that there is a provision that "Congress should pass no law to abridge the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Is a refusal to receive these slanderous petitions a passage of a law for the purpose forbidden in the constitution? Is there any man of sense, who has for a moment reflected on the subject, who can have the assurance to say so? How, then, can the refusal to receive be construed into a violation of the constitution?

He, said Mr. C., could not but be struck with one remarkable fact. When the question is as to the right of these fanatics to attack the character and property of the slaveholding States, there are Senators on this floor who give a latitude to the constitution wider than the words can possibly mean; but when the object is to defend the rights and property of these States, they give the most rigid and narrow construction to the instrument.

But (said Mr. C.) the Senator from North Carolina objects to a refusal to receive these slanderous and abusive petitions, for fear it should cause excitement and agitation. To avoid this, he recommends that they should be received and laid on the table, there to slumber quietly. He (said Mr. C.) well knew that there were two modes to prevent agitation, which, according to the difference of temperament and character, were resorted to: the one to receive and quietly pocket the insult, and the other by repelling it promptly and decisively. Now, he would ask the Senator whether, if one should petition him, and pronounce him in his petition to be a robber, kidnapper, pirate, with all the other abusive terms used in these petitions, to which of the two modes would he resort? Would he quietly take the petition and put it in his pocket, (lay it on the table,) or would he knock the scoundrel down? I am sure I need not wait an answer. Will, then, he, representing a sovereign State, whose confidence has placed him here to guard her honor and interest, agree to receive a paper, and place it, by his vote, on the permanent records of the Senate, which he would indignantly repel, if offered to himself personally? Is he prepared to show himself less jealous of the honor of his State than his own? As vigilant as we may be to guard our honor and interest, let us be still more watchful in guarding the honor and interest of those we represent. To meet these studied attacks, which come here in the shape of petitions, in that spirit, is the mode, and only safe and effectual mode, to put down agitation—the only mode to preserve our peace and security at home, and the union and institutions of the country generally. Show these fanatics, by a decided refusal, by shutting the door in their face, that they have nothing to hope by agitation, and they will soon cease to agitate.

An objection of a different character is made (said Mr. C.) by the Senator from Virginia near me, [Mr. TYLER.] He objects that, to refuse to receive the petitions is not strong enough; is not, to use his expression, up to the occasion; and thinks that the proper course is to refer them to the Committee for the District of Columbia, which, he assures us, would be united in denying to Congress any constitutional power to touch the question of emancipation in this District. He also expressed his conviction that the Senate would unanimously sustain the committee, with, perhaps, the exception of the Senator who presented these petitions. He was (said Mr. C.) at a loss to see how the course he had adopted fell short of the occasion. What was the occasion? Petitions basely slandering the States, which he and all the other Senators from the same section represented, were presented by the Senator from Ohio. This was the occasion. By the parliamentary rules, the question is, shall they be received? Shall we who represent the States, thus openly and in our own presence insulted, pocket the insult? or shall we indignantly repel it? Did he fall short of the occasion in demanding the question on the reception, and in calling on the Senate to join him in repelling the indignity?

But (said Mr. C.) I am rejoiced to learn from the Senator that he is in favor of stronger measures; in favor of a direct declaration by the Senate, denying the right to touch the question of emancipation in the District; doubly rejoiced that the Committee for the District was unanimous on this important point; and trebly so to hear from the Senator that there were just grounds to expect almost perfect unanimity in the Senate itself. I trust he is not mistaken, and I am happy to inform him that there is not the slightest incompatibility between the course he (Mr. C.) had pursued, and the one the Senator recommends. A reference of these petitions is not necessary to give jurisdiction to the Committee for the District, in order to bring out their opinion and that of the Senate on the highly important point on which the Senator anticipated so much unanimity. A resolution may be moved expressly denying the power of Congress, and referred to the committee; and, if no other should move it, he (Mr. C.) would, if acceptable to the Senator from Virginia. So far from the two courses being incompatible, they were, in his opinion, in perfect harmony, and, together, formed the true course. Let the Senate, by a unanimous rejection of these vile slanders on the slaveholding States, show a just indignation at the insult offered them; and let it be followed by the passage of a resolution, with like unanimity, denying the power of Congress to touch the subject of emancipation in this District; and much, very much, would be done to put down agitation, to restore confidence to the South, and preserve harmony to the Union.

The question of postponement till Monday was then determined in the affirmative.

On motion of Mr. WEBSTER, it was

Ordered, That when the Senate adjourn, it adjourn to meet on Monday.

The Senate then adjourned.

MONDAY, JANUARY 11.

The honorable A. CUTHBERT, from Georgia, appeared and took his seat.

CALN QUARTERLY MEETING MEMORIAL.

After the reception of sundry executive communications and memorials,

Mr. BUCHANAN said he was now about to present the memorial of the Caln quarterly meeting of the religious society of Friends in Pennsylvania, requesting Congress to abolish slavery and the slave trade in the District of Columbia. On this subject he had expressed his opinions to the Senate on Thursday last, and he had no disposition to repeat them at present. He would say, however, that, on a review of these opinions, he was perfectly satisfied with them. All he should now say was, that the memorial which he was about to present was perfectly respectful in its language. Indeed, it could not possibly be otherwise, considering the respectable source from which it emanated.

It would become his duty to make some motion in regard to this memorial. On Thursday last he had suggested that, in his judgment, the best course to pursue was to refer these memorials to a select committee, or to the Committee for the District of Columbia. He still thought so; but he now found that insurmountable obstacles presented themselves to such a reference.

In presenting this memorial, and in exerting himself, so far as in him lay, to secure for it that respectable reception by the Senate which it deserved, he should do his duty to the memorialists. After it should obtain this reception, he should have a duty to perform to himself and to his country. He was clearly of opinion, for the reasons he had stated on Thursday last, that Congress ought not, at this time, to abolish slavery in the District of Columbia, and that it was our duty promptly to place this exciting question at rest. He should therefore move that the memorial be read, and that the prayer of the memorialists be rejected.

Mr. PRESTON said that the question was already raised by his colleague, and he trusted that the Senator from Pennsylvania would not urge any action on this petition until some disposition was made of the one presented on Thursday by the gentleman from Ohio.

Mr. KING, of Alabama, could see no difference between discussing the question on this or on the former petition. The language of this memorial, indeed, being more respectful, there seemed to be a propriety to confine the debate to it, rather than to extend it on the other, the words of which were calculated to produce so much bitterness and excitement.

Mr. WEBSTER hoped that the Senator from Pennsylvania would not take a course by which all the ordinary business of the morning would be obstructed, and that the consideration of this memorial would be deferred until the other petitions had been received.

Mr. CALHOUN thought the debate which commenced on Thursday ought to be resumed and continued. He saw no reason why this memorial should take priority over the one presented from Ohio; why we should break away from that petition to receive this, merely because the language in which it was couched was respectful; that is, as respectful as could be expected. For, however temperate it might seem, the same principle was imbodied in it; and the inuendoes conveyed were as far from being acceptable as the barefaced insolence of the other. He hoped the debate would go on on the first petition; that the question would be met manfully; and that, at the same time, we should not encroach upon the hour which ought to be devoted to other business,

Mr. KING, of Alabama, said his object was to avoid excitement. The object of the petitioners in both memorials was the same. It intends the abolition of slavery and of the traffic in slaves in the District of Columbia. He had no wish to shrink from the question; on the contrary, he was desirous of giving a direct vote. Let the motion of the Senator from Pennsylvania prevail, and certainly the object of the gentleman from South Carolina would be attained. It would say to all who hold the same sentiments with these petitioners, that no further action would be had on any similar memorials, except merely to read and to reject them. He had hoped that this session would pass away without any additional excitement. But the legislation here upon the subject had produced tenfold agitation. Suppose you reject the petition from Ohio because the language is disrespectful, will that put an end to this excitement? Any man must be blind not to see that an impression, and a well-founded one, would go abroad that it was not received on that account merely, and that legislation was had on it in reference only to the language in which it was couched. The course pointed out by the Senator from Pennsylvania puts an end to all this. It says distinctly, we will reject what we will not, cannot, ought not to receive. He had no disposition and no intention to take any part in the debate. He should give a silent vote.

Mr. CLAY said that he had not risen to take a part in the principal question. He did not think, however, that these petitioners ought to have any monopoly of the time and attention of the Senate. He could not consent to it. He had a motion himself which he wished to present, and to which he attached much importance. He should therefore move that this whole matter be laid on the table, at least until the necessary business of the morning be got through with.

The question being taken, the memorial, &c., was ordered to lie on the table.

SPECULATION IN INDIAN CLAIMS.

Mr. BLACK said he had received, and would take this occasion to present, a memorial from a number of the citizens of Mississippi, residing in the northern part of that State, on an important subject. It related to extensive frauds said to be about to be practised on the Government in relation to the public lands, involving, as the memorialists suppose, at least the quantity of upwards of two millions of acres of public land. He was informed that there was much excitement on the subject in that State, and that other memorials would be forwarded, numerously signed. It appears by the treaty of Dancing Rabbit creek, that, to each Choctaw head of a family desirous of remaining and becoming citizens of Alabama or Mississippi, a reservation was made of six hundred and forty acres of land, to include improvements, and to each child a less quantity, adjoining the improvement of the parent; the land to be patented to claimants after a residence thereon of five years. It was made necessary, under the 14th article, which contains this provision, that all intending to avail themselves of this advantage should record their names with the Indian agent within six months after the making of the treaty. This register was kept by the agent at that time, (Colonel Ward,) but it appears that, by mistake, some names were omitted, or, if recorded, the register has been mutilated. The memorialists state that some speculators, seizing upon the advantage which this circumstance afforded, have gone to the Indians who have removed beyond the Mississippi river, and have procured, for a trifling consideration, very numerous claims, to be preferred, sufficient to cover all, or nearly all, the good land remaining. He was informed that some of these gentlemen, speculating on these claims, no doubt from "patriotic motives," had sold out their chances for immense sums. He was also informed that, seizing upon the advantage of the fact that these lands had been reserved from the late sales, they were endeavoring to exact large amounts from the settlers to quiet their possessions, and secure their homes, under the apprehension that these claims will finally be made good. Mr. B. said he had no doubt there were some few cases in which individuals among the Choctaws had suffered detriment by their names not appearing in the register kept by the agent, who have conformed to the requisitions of the treaty; but he had no doubt that those cases were very few indeed, and those should meet, when presented, with the favorable attention of Congress. What he desired at present was, to put all on their guard against these claims, and to prevent the innocent settlers from being taken in by them. They must come into the action of Congress; and while he was ready to do justice to the meritorious claims, he would at the same time say it was his firm conviction that few, very few, will be found to be of that character. He would advise the settlers, therefore, against causeless apprehension, and all especially against dealing in such improbable chances. Mr. B. said he had been informed that one hundred sections had been reserved at a single land office, without any power so to reserve. The land should, after having been proclaimed, have been sold.

As to the direction which this memorial shall take, he remarked that he was not altogether sure that it properly belonged to the Committee on Private Land Claims. He did not desire the investigation in which these claims would probably involve the committee; yet, if the Senate thought that the proper direction, he was ready to undertake it, and they should be subjected to the strictest scrutiny. They cannot be passed without legislative action, and none of them shall pass until, after the fullest investigation, they shall be found to be just.

After a few words from Mr. KING, of Alabama, inaudible to the reporters, from the loud conversation in the privileged seats,

Mr. CLAY expressed his gratification that the Senator from Mississippi had brought forward this subject; and stated that he had received accounts of extensive frauds said to have been committed under the Choctaw treaty. It had even been said that the extent of these frauds would amount to ten millions of dollars out of the public lands. It was said these frauds had been the result of misconstruction of the President's language, and he wished it may turn out so. But he hoped, to whatever committee the subject might be referred, that every effort would be used to bring these nefarious culprits before the world, and to hold them up to the indignation they deserve for having attempted to commit so outrageous a robbery on the public property. From what he had gathered, there had been no project since the famous Yazoo business, which had been so nefarious as the schemes which had been carried on in Mississippi, and he hoped every pains would be taken to ferret out the abuse.

Mr. WHITE, of Tennessee, made a few remarks on the subject. He said he was led to believe, from information which had reached him, chiefly through the newspapers, that a plan had been laid for an immense speculation, under cover of the Indian treaty referred to; in pursuance of which, the claims that might be allowed to certain Indians under the treaty, to a very large amount, had been bought up by individuals. His belief was, that claims of this kind had been purchased up, by using the names of the Indians, but entirely for the benefit of other persons. The Government, (Mr. W. said,) in his opinion, lay under a high responsibility to protect the Indians in the rights reserved by the treaty. By this speculation in the contingent claims of the Indians, if sanctioned by Congress, great injustice would be done to them. He hoped, he said, that not a claim of this description would be allowed until it was ascertained that the whole amount of it would enure solely and exclusively to the benefit of the Indian entitled to it. So far as he was concerned, as a member of the committee to whom it was proposed to refer this subject, he wished to be understood that he would not consent that any man but an Indian should enjoy the benefit of any one of these claims. No white man should, with his consent, enrich himself by the beggary of those people, whom he considered peculiarly under the guardianship of the United States.

Mr. WEBSTER remarked that the fame of these speculations had reached the State in which he resided. These reservations had been made in the expectation that they would be productive of substantial benefits to the Indians. It seemed, however, that the substantial benefits had been in another quarter. He wished to know if he had understood that these grants, obtained by the speculators, would require the sanction of Congress to make them valid. If so, he was very glad to hear it.

Mr. BLACK, in explanation, stated that some of the grants were registered in the proper manner, and belonged to the Indians, and he hoped these would not be prejudiced. Others would require the sanction of Congress.

Mr. KING, of Alabama, stated (as well as he could be heard) that, owing to the negligence of the agent, or by some means, some of those who were regularly registered had not received their lands. The evidence of their claims was ordered to be presented to Congress at the last session, but was not sent; and as the acting agent had gone on to render the sales, he hoped none of those who had legally availed themselves of the provisions of the treaty would be injured. The claim of a white citizen ought not to be disallowed, if it should be found that the Indians received all the advantages guarantied to them by the treaty.

Mr. WHITE briefly explained that, under the fourteenth article of the treaty, no Indian was to receive a patent for his land unless he had resided on it for five years. He wished it to be understood that he did not intend to give any opinion on these claims in advance. There were none presented to be relied on, on which to found an opinion. But, as one of the Committee on Indian Affairs, he was determined not to permit any location of a white citizen unless he was satisfied that the full benefit of the reservation had resulted to the Indian.

The petition was then referred to the Committee on Private Land Claims.

SUFFERERS BY FIRE IN NEW YORK.

Mr. **WEBSTER**, from the Committee on Finance, reported a bill for the relief of the sufferers by the fire in the city of New York; which was read twice.

Mr. W. stated that he should ask the Senate to act on this bill at an early day, perhaps to-morrow.

SUPPRESSION OF INDIAN HOSTILITIES.

Mr. **WEBSTER**, from the Committee on Finance, reported a bill making appropriation for suppressing the hostilities with the Seminole Indians, with an amendment.

Mr. W. explained briefly the necessity for acting on this bill at once, and stated that the amendment increased the appropriation from 80,000 to 120,000 dollars.

The amendment was ordered to be engrossed, and the bill to be read a third time.

THE UNITED STATES AND FRANCE.

Mr. **CLAY** rose and said it must be obvious to every observer of passing events, that our affairs with France are becoming every day more and more serious in their character, and are rapidly tending to a crisis. Mutual irritations are daily occurring, from the animadversions of the public press, and among individuals, in and out of office, in both countries; and a state of feeling, greatly to be deprecated, if we are to preserve the relations of peace, must certainly be the consequence.

According to the theory of our constitution, our diplomatic concerns with foreign countries are intrusted to the President of the United States, until they reach a certain point involving the question of peace or war, and then Congress is to determine on that momentous question. In other words, the President conducts our foreign intercourse; Congress alone can change that intercourse from a peaceable to a belligerent one. This right to decide the question of war carries along with it the right to know whatever has passed between our own Executive and the Government of any foreign Power. No matter what may be the nature of the correspondence—whether official or not—whether formal or informal—Congress has the right to any and all information whatever which may be in the possession of the other branch of the Government. No Senator here could have failed to have been acquainted with the fact that the contents of a most important despatch or document has been discussed, and a most important overture canvassed in the different newspapers—in private and political circles—by individuals: every body, in fact, knows what has taken place, except the Congress of the United States. The papers friendly to the administration--indeed, the whole circle of the American press--are in possession of the contents of a paper which this body has not been yet allowed to see; and I have one journal, a Southern administration journal, before me, which states a new and important fact in reference to it. I have said that our situation with France grows every day more embarrassing--the aspect of our relations with her more and more dark and threatening. I could not, therefore, longer delay in making the following motion. I should have done so before, but for a prevalent rumor that the President would soon make a communication to Congress, which would do away the necessity of the resolutions which I now submit, by laying before Congress the information which is the object of my motion. He has not, however, done so; and probably will not, without a call from the Senate.

Mr. C. then offered the following resolutions, which lie upon the table for one day:

Resolved, That the President be requested to communicate to the Senate (if it be not in his opinion incompatible with the public interest) whether, since the termination of the last Congress, any overture, formal or informal, official or unofficial, has been made by the French Government to the Executive of the United States, to accommodate the difficulties between the two Governments respecting the execution of the convention of the 4th day of July, 1831; and, particularly, whether a despatch from the Duc de Broglie, the French Minister of Foreign Affairs, to the French chargé de affaires at Washington, was read, and the original or a copy of it furnished by him to the Secretary of State, for the purpose of indicating a mode in which those difficulties might be removed.

Resolved, also, (under the restriction above mentioned,) in the event of any such overture having been made, that the President be requested to inform the Senate what answer was given to it; and if the original or a copy of any such despatch were received, that he be further requested to communicate a copy of it to the Senate.

DISTRICT BANKS.

Mr. BENTON's resolution to appoint a special committee on the banks of the District of Columbia was taken up; when

Mr. **SOUTHARD** made some observations in opposition to a special committee, intimating that the Committee for the District of Columbia might be instructed to make the inquiries.

After a few words from Mr. **BENTON**, in reply,

Mr. **SOUTHARD** stated that he wished to prepare an amendment, and moved to lay, for the present, the resolution on the table; which motion was agreed to.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The motion of Mr. CALHOUN, not to receive the petitions from Ohio, coming up in order,

Mr. **LEIGH** said he proposed to make some remarks, and moved to postpone the subject until to-morrow; which was agreed to.

EXECUTIVE PATRONAGE.

The special order, being the bill to repeal the 1st and 2d sections of an act to limit the terms of office of certain officers therein named, was taken up; and the bill was considered as in Committee of the Whole, and reported without amendment, after some remarks from Mr. **CALHOUN** and Mr. **CUTHBERT**.

Mr. **WRIGHT** asked for the yeas and nays on the question of the engrossment of the bill, and they were ordered accordingly.

The question was then taken on the engrossment of the bill for a third reading, and decided as follows:

YEAS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Ewing, Goldsborough, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Prentiss, Preston, Robbins, Southard Swift, Tomlinson, Tyler, Webster, White—24.

NAYS—Messrs. Brown, Buchanan, Cuthbert, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Knight, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Wall, Wright—18.

The Senate then adjourned.

TUESDAY, JANUARY 12.

SUFFERERS BY FIRE IN NEW YORK.

On motion of Mr. **WEBSTER**, the Senate proceeded to consider the bill for the relief of the sufferers by the fire in the city of New York.

Mr. **WEBSTER** stated the character of the bill, of which the following is a copy:

A BILL for the relief of the sufferers by the fire in the city of New York.

Be it enacted, &c., That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the securities thereon) to all persons who have suffered loss of property by the conflagration at that place, on the sixteenth day of December last, by the burning of their buildings or merchandise, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal instalments, from and after the day of payment specified in the bonds; or to allow the said bonds to be cancelled, upon giving to said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively, payable in equal instalments, in three, four, and five years from and after the day of payment specified in the bonds to be taken and cancelled as aforesaid; and the said collector is hereby authorized and directed to give up, or cancel, all such bonds, upon the receipt of others described in this section; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States, and shall have the same force and validity: *Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded. *And provided, also*, That the benefits of this section shall not be extended to any person whose loss shall not be proved, to the satisfaction of the collector, to have exceeded the sum of one thousand dollars.

Sec. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York, prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act shall extend to bonds which had fallen due before the seventeenth day of December last.

Mr. **CLAY** made some objection to the bill in its present shape, but wished it to lie for examination; which was assented to; and, after a few words from Mr. **CALHOUN**, Mr. **WRIGHT**, and Mr. **WEBSTER**, was for the present laid on the table.

THE UNITED STATES AND FRANCE, &c.

The resolutions offered yesterday by Mr. Clay, calling on the Executive for information concerning our relations with France, having been taken up, as follows:

"*Resolved*, That the President be requested to communicate to the Senate (if it be not in his opinion incompatible with the public interest) whether, since the termination of the last Congress, any overture, formal or informal, official or unofficial, has been made by the French Government to the Executive of the United States, to accommodate the difficulties between the two Governments respecting the execution of the convention of the 4th day of July, 1831; and, particularly, whether a despatch from the Duc de Broglie, the French Minister of Foreign Affairs, to the French chargé de affaires at Washington, was read, and the original or a copy of it furnished by him to the Secretary of State, for the purpose of indicating a mode in which those difficulties might be removed.

"*Resolved, also*, (under the restriction above mentioned,) in the event of any such overture having been made, That the President be requested to inform the Senate what answer was given to it; and if the original or a copy of any such despatch were received, that he be further requested to communicate a copy of it to the Senate."

Mr. **LEIGH** moved to amend the resolutions by adding the following:

Resolved, also, (under the restriction before mentioned,) That the President be requested to communicate to the Senate a copy of the note of M. Serurier, mentioned in his message of the 25th February, 1835, and not then communicated, for reasons stated in the report of the Secretary of State to the President, of the same date.

The amendment was adopted, and the resolutions, as amended, were agreed to.

SURPLUS REVENUE, BANK STOCK, AND NATIONAL DEFENCE.

The following resolution, submitted yesterday by Mr. Benton, was taken up for consideration:

"*Resolved*, That the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, ought to be set apart, and applied to the general defence and permanent security of the country. That the President be requested to cause the Senate to be informed--

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

"2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery, especially brass field pieces, for their militia, and with side arms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

"4. The probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

The resolution having been read,

Mr. **BENTON** rose and said that the objects contemplated by it were of a general and permanent nature, and required attention, without regard to existing circumstances. To place itself in a state of defence was the duty of all countries which desired to preserve their independence or to live with honor. The United States were not in a state of defence, and it was their duty to attend to that object. The present time was the proper time. The public debt was paid, a large surplus revenue was accumulating, and the country was every way prosperous. Projects were devised to distribute these surpluses among the States; but he was in favor of setting them apart, and dedicating them to the defence of the Union. Formerly, and by a law as old as the republic, these surpluses were all set apart, and constituted a separate fund, called the sinking fund, and inviolably applied to the sacred purpose of extinguishing the national debt. By this means the debt has been paid. He was for reviving and continuing this policy, with a change of object, from the debt to the defences of the Union, and would wish to see all the surplus revenue take that direction, until the country was as secure from receiving, as it is averse from offering, offence. It would require all the surpluses, and many years of exertion, to accomplish the object.

Mr. B. repeated, his motion was for objects of a general and permanent character, and he felt it to be his duty to make it, without regard to impending events or to extrinsic circumstances. But there were events and circumstances which should give emphasis to his motion, and stimulate its immediate adoption. A French fleet of sixty vessels of war, to be followed by sixty more, now in commission, approaches our coast; and approaches it for the avowed purpose of observing our conduct in relation to France. It is styled in the French papers a squadron of observation; and we are sufficiently acquainted with the military vocabulary of France to know what that phrase means. In the days of the great Emperor, we were accustomed to see the armies which demolished empires at a blow wear that pacific title up to the moment that the blow was ready to be struck. These grand armies assembled on the frontiers of empires, gave emphasis to negotiation, and crushed what resisted. A squadron of observation, then, is a squadron of intimidation first, and of attack eventually; and nothing could be more palpable than that such was the character of the squadron in question. It leaves the French coast cotemporaneously with the departure of our diplomatic agent, and the assembling of our Congress; it arrives upon our coast at the very moment that we shall have to vote upon French affairs; and it takes a position upon our Southern border—that border, above all others, on which we are, at this time, peculiarly sensitive to hostile approach.

What have we done, continued Mr. B., to draw this squadron upon us? We have done no wrong to France; we are making no preparations against her; and not even ordinary preparations for general and permanent security. We have treaties, and are executing them, even the treaty that she does not execute? We have been executing that treaty for five years, and may say that we have paid France as much under it as we have in vain demanded from her, as the first instalment of the indemnity; not, in fact, by taking money out of our treasury and delivering to her, but, what is better for her, namely, leaving her own money in her own hands, in the shape of diminished duties upon her wines, as provided for in this same treaty, which we execute, and which she does not. In this way France has gained one or two millions of dollars from us, besides the encouragement to her wine trade. On the article of silks she is also gaining money from us in the same way, not by treaty, but by law. Our discriminating duties in favor of silks from this side the Cape of Good Hope, operate almost entirely in her favor. Our great supplies of silks are from France, England, and China. In ten years, and under the operation of this discriminating duty, our imports of French silks have risen from two millions of dollars per annum to six millions and a half; from England, they have risen from a quarter of a million to three quarters; from China, they have sunk from three millions and a quarter to one million and a quarter. This discriminating duty has left between one and two millions of dollars in the pockets of Frenchmen, besides the encouragement to the silk manufacture and trade. Why, then, has she sent this squadron, to observe us first, and to strike us eventually? She knows our pacific disposition towards her, not only from our own words and actions, but from the official report of her own officers; from the very officer sent out last spring, in a brig, to carry back the recalled minister. Here is his report, made to the Minister of Marine, and communicated to the Chamber of Deputies in the month of April last. Listen to it, and see how fully it establishes, not only our pacific dispositions towards France, but the affection of our citizens for her, and the solicitude of our officers to honor her flag and gratify her feeling.

"BREST, *April* 4, 1835.

"I have the honor to inform you that the brig d'Assas sailed from New York on the 11th of March last, at the same time with the American packet ship Albany, in which M. Serurier and his family are returning to France, and arrived in the roads of Brest on the 14th of this month, after a passage of twenty-four days. I remained in the United States until the 11th of March, as the chargé d'affaires of France, at whose disposition your excellency placed me, did not wish to despatch me back until the rising of Congress, which took place on the 4th of that month. During my stay at New York, I found among the richest and best educated persons the greatest affection and sympathy for France; this they expressed to us by every possible attention and every delicate kindness which their hospitable dispositions could suggest. Half an hour after my leaving the East river, an American schooner of war, knowing the time at which I was to depart, got under sail; she crossed my way about a league from the place of anchorage, and when about two cables' length from us, she hoisted the French flag on her mizzen mast, and fired seven guns, which were immediately returned; she kept the tri-color flag flying as long as we were in sight. I then saw the American frigate Constitution, towed by two steamboats, on her way to New York; as soon as I crossed her, I saluted her commodore with thirteen guns, which he immediately returned, gun for gun."

Mr. B., resuming, said this was the report made to the French Government by a French officer, after the rise of the last session of Congress, and after the departure of M. Serurier; and how was it received in the Chamber of Deputies, to which it was communicated? He (Mr. B.) would show one example of the manner in which it was received, and for that purpose would read a paragraph from the speech of the deputy M. de Rance.

"Gentlemen, we should put on one side of the tribune the twenty-five millions, on the other the sword of France. When the Americans see this good long sword, this very long sword, gentlemen, (for it struck down every thing from Lisbon to Moscow,) they will perhaps recollect what it did for the independence of their country; they will, perhaps, too, reflect upon what it could do to support and avenge the honor and dignity of France, when outraged by an ungrateful people. [Cries of, well said!] Believe me, gentlemen, they would sooner touch your money than dare to touch your sword; and for your twenty-five millions they will bring you back the satisfactory receipt, which it is your duty to exact. [Great approbation from the extremities."]

Another deputy, M. Fleury de Chabaulon, allowed himself to discourse thus:

"The insult of President Jackson comes from himself only. This is more evident, from the refusal of the American Congress to concur with him in it. The French Chamber, by interfering, would render the affair more serious, and make its arrangement more difficult, and even dangerous. Let us put the case to ourselves. Suppose the United States had taken part with General Jackson, we should have had to demand satisfaction not from him, but from the United States; and instead of now talking about negotiation, we should have had to make appropriations for a war, and to intrust to our heroes of Navarino and Algiers the task of teaching the Americans that France knows the way to Washington as well as England."

This was the language of the deputies, and it was thus received with applauses, and that six weeks after the rise of our Congress, which had shown itself pacific, and two weeks after the report of the captain of the brig d'Assas, attesting the friendship of our feelings, and the readiness of our officers to salute, with honor, the flag of France. And this language was not only received with applause in the Chamber, but it has been acted upon by the French Government. Two royal ordinances have appeared in the Moniteur, under date of the 2d of December last; and, under these ordinances, Admiral Mackau is to take command of the "squadron of observation," which was immediately to proceed to the West Indies; and the Constitutionnel, which is the demi-official paper of the Government, and nearly equal in authority to the Moniteur, after stating that this measure was warranted by the actual state of the difficulties with the United States, goes on to "applaud the Government for thus preparing, long beforehand, and concentrating the power in the hands of one who is firm, and capable of using it to advantage when necessary." Thus, the language of the deputies and the conduct of the Government correspond; and the fleet must now be approaching our coast, which bears that long sword, at the sight of which our terrified hearts and faltering tongues must deliver the satisfactory answer which French chivalry exacts.

Mr. B. said he had never spoken unkindly of the French nation, neither in his place here as a Senator, nor in his private capacity elsewhere. Born since the American Revolution, bred up in habitual affection for the French name, coming upon the stage of life when the glories of the republic and of the empire were filling the world and dazzling the imagination, politically connected with the party which, a few years ago, was called French, his bosom had glowed with admiration for that people, and youthful affection had ripened into manly friendship. He would not now permit himself to speak unkindly, much less to use epithets; but he could not avoid fixing his attention upon the reason assigned in the Constitutionnel for the present advance of the French squadron upon us. That reason is this: "America will have no force capable of being opposed to it." This is the reason. Our nakedness, our destitution, has drawn upon us the honor of this visit; and we are now to speak, and vote, and so to demean ourselves, as men standing in the presence of a force which they cannot resist, and which had taught the lesson of submission to the Turk and the Arab! And here I change the theme; I turn from French intimidation to American legislation; and I ask how it comes that we have no force to oppose to this squadron which comes here to take a position upon our borders, and to show us that it knows the way to Washington as well as the English? This is my future theme; and I have to present the American Senate as the responsible party for leaving our country in this wretched condition. First, there is the three million appropriation which was lost by the opposition of the Senate, and which carried down with it the whole fortification bill, to which it was attached. That bill, besides the three millions, contained thirteen specific appropriations for works of defence, part originating in the House of Representatives, and part in the Senate, and the particulars of which he would read:

For the fort on George's island, - - -	$15,000
For the repairs of Fort Independence, -	8,000
For Fort Adams, - - - -	100,000
For the fort at Throg's neck, - - -	30,000
Repairing Fort Columbus, - - -	13,000
Rebuilding Fort Delaware, - - -	150,000
For fortifications in Charleston harbor, -	20,000
Fort at Cockspur island, - - -	82,000
Fort at Pensacola, - - - -	26,000
Fort on Foster's bank, - - - -	65,000
Repairs of Fort Mifflin, - - - -	75,000
Armament of fortifications, - - -	100,000
Contingencies, - - - -	10,000

All these specific appropriations, continued Mr. B., were lost in the bill which was sunk by the opposition of the Senate to the three millions, which were attached to it by the House of Representatives. He (Mr. B.) was not a member of the conference committee which had the disagreement of the two Houses committed to its charge, and could go into no detail as to what happened in that conference; he took his stand upon the palpable ground that the opposition which the Senate made to the three million appropriation, the speeches which denounced it, and the prolonged invectives against the President, which inflamed the passions and consumed the precious time at the last moment of the session, were the true causes of the loss of that bill; and so leaves the responsibility for the loss on the shoulders of the Senate.

Of this three million appropriation, Mr. B. said, the country had heard much; but there was another material appropriation lost in the Senate, of which nothing had been said: he alluded to the sum of $500,000, which originated in the Senate's Committee on Military Affairs, and which, as the chairman of that committee, and under its direction, he had recommended in a report, and proposed as an amendment to the same fortification bill, which was afterwards sunk under the three millions. The report was made on the 18th of February, and he would read it.

"The Senate's Committee on Military Affairs, which has had the subject under consideration, report:

"That it is expedient to increase the appropriations heretofore made for the national defence; and that, in addition to the sums now contained in that bill for fortifications, and in addition to the two sums of $100,000, each heretofore recommended by this committee to be inserted in the said bill for fortifications, and the armament thereof, the further sum of five hundred thousand dollars be recommended to be inserted therein, for the repair, completion, and construction, of fortifications, and to provide the necessary armament therefor. And the committee have directed their chairman to move an amendment accordingly, at the proper time, to the fortification appropriation bill."

The motion was made in the Senate to insert this appropriation of $500,000. The sense of the Senate was so clearly against it, that he (Mr. B.) did not press it, nor call for a division. It was rejected when offered; and thus the Senate, some days before they objected to the three millions as being too large and general, had rejected a much smaller appropriation, and one that was specific.

The third act of the Senate which Mr. B. brought forward to establish the responsibility of the Senate for the present condition of the country, and the consequent visit of the French fleet, was the fact of laying on the table, and refusing even to consider, a resolution which he brought forward about the middle of February, calling on the President for plans and estimates for the general and permanent defence of the country by sea and land. It was a call for plans and estimates and probable amounts of surplus revenue, with the sole view to the defence of the country; yet it was laid upon the table by the vote of the majority, and upon the motion of an opposition Senator; and, of all the acts of the Senate, it seemed to him to be the one which went farthest in showing the indisposition of this body to provide for the defence of the country. It was not merely a refusal to apply money, but a refusal to have information by which money could be applied, and that while making it a standing topic of reproach that the President had not furnished plans and estimates.

The fourth circumstance on which Mr. B. relied to show that the Senate was responsible for the present naked and defenceless condition of the country, and for the humiliation to which we were now subjected in being superintended by the heroes of Algiers and Navarino, the project of certain Senators to apply the public moneys in a different direction, namely, to divide them among the States, and which required them to keep the sum for distribution as large as possible, in order to present captivating dividends to each distributee. The plan of putting the country in a posture of defence was incompatible with these plans of distributing the revenues. The two plans cannot go on together; one or the other must give away, and he had purposely drawn the resolution under consideration to make an issue between them, and to draw the line between those who will put their country in a state of defence, and those who will leave it naked and helpless.

Mr. B. had felt it his duty to bring to the notice of the Senate the approach of the French squadron of observation, and to show that it came because "America had no force capable of being opposed to it." It was a subsidiary argument, and a fair illustration of the dangers and humiliations of a defenceless position. It should stimulate us to instant and vigorous action; to the concentration of all our money, and all our hands, to the sacred task of national defence. For himself, he did not believe there would be war, because he knew that there ought not to be war; but that belief would have no effect upon his conduct. He went for national defence, because that policy was right in itself, without regard to times and circumstances. He went for it now, because it was the response, and the only response, which American honor could give to the visit of Admiral Mackau. Above all, he went for it because it was the way, and the only manly way, of letting France know that she had committed a mistake in sending this fleet upon us. In conclusion, he would call for the yeas and nays, and remark that our votes would have to be given under the guns of France, and under the eyes of Europe.

Mr. WEBSTER said his duty was to take care that neither in nor out of the Senate there should be any mistake, the effect of which should be to produce an impression unfavorable or reproachful to the character and patriotism of the American people. He remembered the progress of that bill, (the bill alluded to by Mr. BENTON,) the incidents of its history, and the real cause of its loss. And he would satisfy any man that the loss of it was not attributable to any member or officer of the Senate. He would not, however, do so until the Senate should again have been in session on executive business. As soon as that took place, he should undertake to show that it was not to any dereliction of duty on the part of the Senate that the loss of that bill was to be attributed.

Mr. LEIGH said there was one or two facts in relation to this matter to which he would call the particular attention of the gentleman from Missouri, [Mr. BENTON.] Mr. L. referred to a report of the Committee on Military Affairs, at the last session, on the expediency of providing for fortifications. He did not understand the gentleman from Missouri [Mr. BENTON] to say that that specific report was rejected. He (Mr. L.) understood it was rejected with other appropriations.

[Mr. BENTON explained.]

Mr. L. continued. I have, said he, a particular recollection. My mind was attracted to the subject by the quarrel going on between France and the United States. He expected some means to be resorted to in order to strengthen the national arm. The bill to strengthen the fortifications of the country had passed the House of Representatives on the 24th day of February, and so anxious was his mind on the subject, that he went to the Secretary's table to examine whether particular appropriations were in the bill. He found none. The Committee on Finance reported a series of amendments to the bill, in no case diminishing appropriations, in some cases increasing them, and in some instances making entirely new appropriations. All the gentlemen of the Senate with whom he had familiar conversations, would remember his frequent expression of anxiety on the subject of this bill. It was sent back by the other House with agreements and disagreements to the Senate's amendments. He did not now recollect to which. After five o'clock in the evening of the 3d of March, this bill was reported to the Senate. They had joint conferences with the different Departments on those new appropriations, and came to the conclusion to retain all the new appropriations. An amendment containing an appropriation of $3,000,000, to be used under the direction of the President of the United States, provided such expense was necessary to the defence of the country, was in it after it was returned from the House of Representatives. The objection to the appropriation was not on account of any distrust to the President. No, sir, said he, it was merely as to the constitutionality of it. The Senate disagreed to the amendment of the House; the House insisted, and refused to recede. He alluded to a practice of changing the time of the clock on the last night of the session, and not relying upon it, he took out his watch and ascertained by it, if it did not deceive him, that the committee of conference on the part of the Senate went out before eleven o'clock; and, said he, here we sat until twelve o'clock at night, waiting for their report. They sent a messenger to keep the House in mind of the appropriation bill. For what reason the House did not take up the report of the committee of conference, it would be improper, indecent, and disorderly, in him to state. He had stated the facts, and every member who was present would remember them as stated.

Mr. PRESTON said the gentleman from Virginia [Mr. LEIGH] had given a very clear view of the facts. He (Mr. P.) did not feel called upon to explain, because he had voted for the rejection of a bill containing an undefined appropriation of $3,000,000. It was enough for him to know that it was an unconstitutional and indefinite appropriation, and dangerous to be put into the hands of the Executive. He would go further. If, instead of these vague rumors about the movements of the French fleet, the whole frontier had been laid in ruins, he would have voted against it. How was it that this appropriation had been sprung upon them? They were not called upon for it by the proper department, and he did not feel called upon without the department, whose business it was to make the recommendations requiring such appropriations. He was not then disposed to take the responsibility for what belonged to the proper departments, and he was not now disposed to do it. Under the better opportunities of the Executive to acquire information, it was the duty of the department to keep the Senate informed of the necessity and object of appropriations, and until that was done, the Senate was not bound to act. The honorable Senator from Kentucky [Mr. CLAY] had introduced a resolution for the distribution of the surplus revenue, arising from the sales of the public lands, and his colleague, the honorable gentleman from South Carolina, had reported a bill for the appropriation of the balance of the surplus revenue, for purposes that were defined. But, in this case, the appropriation is first made, and then the Executive is to be asked how much is necessary. You appropriate thirty millions, and the Executive says five millions is all that is wanted, what becomes of the rest? From these vague rumors, the gentleman from Missouri [Mr. BENTON] had taken occasion to remark that he desired the exterior of the United States put into a state of defence.

In all this he concurred. Every Senator had concurred in general appropriations to put the navy and army in a state of defence. This undefined appropriation was not the only exception. The gentleman from Missouri [Mr. BENTON] had said this appropriation was intended to operate as a permanent defence. He would ask, for what purpose was this French fleet coming on our coast? Had he said for what purpose were they coming? Why were the breezes bringing this great armament? If they were coming in hostile array, why are we (said Mr. P.) kept in the dark by the President of the United States? They had been looking, anxiously looking, for a message from the President, whether these newspaper rumors respecting this fleet of observation were true.

The President ought to know—it was his duty to know. He trusted, however, the gentleman from Missouri [Mr. BENTON] had superseded the functions of the President. Could it be for the purpose of overawing them out of their votes that this alarm had been raised? France, our former ally, he believed, did not doubt our valor. He believed she had a due respect for us. Why, sir, said Mr. P., do they think that the approximation of a fleet of France can alarm us into a vote? No, sir, said he, we would cover ourselves with a panoply for our mutual defence. The President of the United States, in his message, had informed them that he had ordered the representative of this country in France (Mr. Barton) to receive the money due to us, or ask for his passports to return to the United States. We were not now represented in either England or France. He did not say, however, that we were cut off from all intercourse in England as in France.

The President had recommended making reprisals, if France refused payment. France had refused, but the remedy was not pursued. It may be, said he, that this fleet is merely coming to protect the commerce of France. If the President of the United States, at the last session of Congress, had suggested the necessity of making this appropriation, we would have poured out the treasury; we would have filled his hands for all necessary purposes. There was one hundred thousand dollars appropriated that had not been called for. He did not know whether he was permitted to go any further and say to what extent any of the departments were disposed to go in this matter. At the opening of this session the President in his message entered into a detail of our affairs with France, and promised us, on the return of Mr. Barton, a special message. Mr. Barton had returned, if they were to rely upon the same source of intelligence upon which the gentleman from Missouri [Mr. BENTON] had relied. We are asked, why has the Senate not done its duty? I ask, said Mr. P., why the President has not done his duty? The Senator from Missouri [Mr. BENTON] had preferred a general indictment against the Senate before the people of the United States. It was strange the gentleman should ask the departments for calculations to enable us to know how much was necessary to appropriate, when the information was not given to us when we rejected the undefined appropriations.

I rejoice, said Mr. P., that the gentleman has said even to my fears there will be no French war. France was not going to squabble with America on a little point of honor, that might do for duellists to quarrel about, but not for nations.

There was no reason why blood should be poured out like water in righting this point of honor. If this matter was placed on its proper basis, his hopes would be lit up into a blaze of confidence. Who were the plaintiffs in this case? Not France. We are the plaintiffs. France is the defendant. If a *ca. sa.* should issue, it would be to levy upon the goods and chattels of France, or, in case of her insolvency, to levy on the body of Louis Philippe. No, sir, said he, we shall have no war with France. I can imagine a state of things, said Mr. P., calculated to make a war inevitable.

If the Senate had wandered so far from its duties as had been intimated, and a war was to be waged with the Senate, that might make a war with France. But God forbid that such a state of things should exist. If a war of partnership was to be waged, he deplored the consequences. He hoped no measures would be adopted here that would lead to a war with France.

If the real cause of apprehensions should occur, he hoped for unanimity. Whether the resolution of the honorable gentleman from Missouri, [Mr. BENTON,] the propositions of the honorable gentleman from Kentucky, [Mr. CLAY,] or from his colleague, [Mr. CALHOUN,] should be taken up first, he would leave to be settled between them.

Mr. CLAYTON was surprised at the suggestion of an idea that the American Senate was not disposed to make the necessary preparations for the defence of the country; that they had endeavored to prevent the passage of a bill, the object of which was to make provision for large appropriations for our defence. The Senator from Missouri had gone into a liberal attack of the Senate. He (Mr. C.) was not disposed to say any thing further of the events of the last night of the session. He took occasion to say there were other matters in connexion with this appropriation. Before any department or any friend of the administration had named an appropriation for defence, he made the motion to appropriate five hundred thousand dollars. It was on his motion that the Committee on Military Affairs made the appropriation to increase the fortifications. Actuated by the very same motives which induced him to move that appropriation, he had moved an additional appropriation to Fort Delaware. The motion was to increase the seventy-five thousand to one hundred and fifty thousand, and elicited a protracted debate. The next question was, whether, in the general bill, five hundred thousand dollars should be appropriated. He recollected the honorable chairman of the Committee on Finance told them there was an amendment before that committee of similar tenor. As chairman of the Committee on Military Affairs, he felt disinclined to give it up. The amendment fell on the single ground, by one vote, that the Committee on Finance had before it the identical proposition made by the Committee on Military Affairs. He appealed to the country whether, under those circumstances, they were to be arraigned before the people of the country on a charge of a want of patriotism. He had always felt deeply affected when those general remarks were made impugning the motives of patriotism of the Senators. He was willing to go as far as he who goes farthest in making appropriations for the national protection. Nay, he would be in advance of the administration.

On motion of Mr. EWING, and without taking the question on the resolution,

The Senate adjourned.

WEDNESDAY, JANUARY 13.

SUSPENSION OF INDIAN HOSTILITIES.

Mr. WEBSTER asked the unanimous consent of the Senate to take up the bill making appropriations for suppressing hostilities with the Seminole Indians.

There being no objection made, the bill was taken up, and read a third time, and passed.

SUFFERERS BY FIRE IN NEW YORK.

Mr. WRIGHT moved the Senate to proceed to the consideration of the bill for the relief of the sufferers by the late fire in the city of New York.

Mr. CALHOUN moved to strike out from the bill the second section. He was oppoesd to all that did not provide for the actual sufferers. He was opposed to becoming the general ensurers for all losses, whether of an agricultural, manufacturing, or commercial community.

Mr. WRIGHT held in his hand a statement, showing the amount of bonds for duties to be three millions six hundred thousand dollars. Mr. W. said, if the second section should be stricken out, relief would then be extended to only a portion of the sufferers.

Mr. CLAY did not like either of the sections, and perhaps it was not possible to prepare one to meet the views of all the other gentlemen of the Senate. He had, however, prepared two sections to meet his views, and wished the Senator from South Carolina [Mr. CALHOUN] to withdraw his amendment for the present, in order that he might introduce them. He objected to the bill, as reported, on account of the inequality of its operation. The second section of the bill, as reported, provided for cases where no loss had been incurred by the persons who were to have the benefits of it. The mercantile community of New York were exceedingly sensitive, and the distinction taken by the gentleman from New York [Mr. WRIGHT] was entirely too refined. It was an old saying, that there was no friendship in trade. By their reported bill, relief was extended to all persons who had imported goods in the port of New York. Suppose (said Mr. C.) there are other persons who import in New York, not citizens of that place, persons from Philadelphia, were they to be excluded from the benefits of the provisions of the bill? It is said (continued Mr. C.) that the Government may give relief to this man or to that man, as the case may seem to require. It was the want of universality in the bill that made it objectionable to him. He did not consider this like the case of a poor debtor, whose debt the Government were likely to lose. Here Mr. C. submitted his amendments, as follows:

1. That, in all cases where merchandise was consumed by fire in the city of New York on the 16th and 17th of December, 1835, the duties paid or accruing thereon shall be refunded or remitted, under such rules and regulations, in regard to evidence, as the Secretary of the Treasury may prescribe; provided that the total amount to be allowed under the act shall not exceed ——— dollars. And if the amount of the aforesaid duties shall be ascertained to exceed that sum, it shall be divided between the sufferers ratably, in proportion to their respective losses.

2. That in all cases of bonds taken prior to the aforesaid fire, for duties on merchandise imported into the port of New York, by persons who have suffered loss by the said fire, in the destruction of their buildings or effects, to the amount of their respective bonds, it shall be lawful, under such rules and regulations as may be prescribed by the Secretary of the Treasury, to extend the time of payment of the aforesaid bonds to three, four, and five years, in equal instalments, with the assent of the securities, or to take new bonds, with sufficient surety or sureties; provided that no such indulgence shall be given in the case of any bond which had fallen due before the fire aforesaid.

Which being read, he resumed:

If we had a Government warehouse system introduced, and the Government had lost the goods, there would be no doubt of the liability and power. The amendment he had offered would employ the vigilance of the merchants who had actually sustained losses, to prevent frauds upon the munificence of the Government. They would know, through the entries and clerks in the custom-house, and the regulations of the port of entry, when fraudulent attempts were made to consume the sum appropriated for their benefit. There were cases which the bill might not meet; but, in a general provision of this kind, it was not to be expected that every case would be provided for.

Mr. WRIGHT said he has compelled to trouble the Senate with a very few remarks, and he found himself very delicately situated, if he correctly understood the state of the question. To make himself sure upon that point, he would ask if he was right in supposing that the honorable Senator from South Carolina [Mr. CALHOUN] had withdrawn his motion to strike out the second section of the bill. [Mr. CALHOUN signified that be had withdrawn the motion.] Mr. W. continued. He said the question was then upon the amendment offered by the honorable Senator from Kentucky, [Mr. CLAY,] which was virtually to remit the duty upon the goods burned. This was part of the relief prayed for by the citizens of New York, in the memorial in their behalf which had been presented to the Senate; but a relief separate and distinct from that provided for in the bill under discussion. This bill merely provided for forbearance of the debts due to the Government for duties, in consequence of the calamitous fire. Another bill, he felt authorized to say, would be presented, or would come from the other branch of Congress, proposing a remission or refunding of the duties upon the burned goods, and the delicacy of the situation of himself and his colleague arose from the fact that, if they should vote against the amendment now proposed, providing for this relief, they would be subject to the misrepresentation and misconstruction of voting against that part of the relief prayed for by their constituents; while, if they voted for the amendment, they necessarily, by its adoption, denied what he considered the more general, and, so far as that whole great commercial community was concerned, more important relief of a forbearance of payment of the outstanding duty bonds.

In this position, he knew but one course; and that was to pursue singly the object proposed by the bill before the Senate, and to postpone to some future occasion the remaining wishes of the sufferers. He would say, however, that neither himself nor his colleague had made up their minds that the relief proposed by the amendment could not be properly extended, and their votes against the amendment must be understood merely to indicate that they were unwilling to substitute that measure of relief for the one provided for in the bill, and not that they were unwilling to grant both; not that they were opposed to the principle of the amendment, but that they could not consent to adopt it at the expense of sacrificing another measure of relief equally important, and, in their judgment, more clear from objection.

Mr. W. said he was not disposed to disguise or deny that the bill before the Senate granted to the merchants of New York the use, without interest, of an amount of capital equal to the amount of bonds the payment of which was forborne, and for a time equal to that forbearance. This he understood to be the object of the bill. An immense amount of the capital of that commercial city had been annihilated by the fire. Property of the value of between seventeen and eighteen million had been entirely destroyed in the period of a few hours, and he had supposed the object of the bill was, by a forbearance of payment upon the duty bonds, to give to the city the temporary use of that portion of the capital thus destroyed. In that case, but about one fifth of the loss would be thus supplied, and that would be done without asking the Government to give one cent beyond the mere use of this portion of its dues for a very short period. The whole amount of bonds to be extended by the bill exceeded by a very trifle $3,600,000, and a very large portion, more than two thirds of the whole amount, were only to be forborne for six, nine, and twelve months.

He asked if this small measure of relief was not due to the occasion. Every man within the hearing of his voice could appreciate the condition of such a community under such a loss of property. Every one must see that the business of that city could not go on without material and substantial relief, or without immense changes among the business men. Every one must feel that hundreds upon hundreds of the most respectable and enterprising of the merchants of the city must be entirely ruined, unless some relief, speedy and efficient, shall be afforded.

Still, Mr. W. said, he announced to the Senate with the most heart-felt and proud gratification, that, as yet, not a single mercantile failure had been the consequence of this unexampled calamity. Why, he would ask, was he able to state this singular and cheering fact? Because every effort of enterprise and faithfulness had been brought into action, while hope, confident hope--the last support which leaves the sinking and despairing man--had hung upon the prompt and favorable action of Congress, of the State Legislature, and of the corporate authorities of the city, to sustain those exertions until the future operations of trade might enable the worthy sufferers so far to retrieve their losses as to be enabled to pay their debts, not only to their neighbors, but to the Government; and thus save the city from a scene of wide-spread and fatal bankruptcy, the extent of which, if ever it commences, no human foresight can measure.

What, then, (said Mr. W.,) is asked by this bill in furtherance of an object so important to that great commercial emporium, to its neighboring commercial cities, indeed, to the whole country? A mere forbearance of payment upon debts due to the Government, to the amount of three millions and a half of dollars, and upon more than two thirds of that sum for a very limited period: six, nine, and twelve months. Might he not, then, hope that opposition would be withdrawn, and that this extension of credit would be given without further delay.

He felt bound to repeat to the honorable Senator from Kentucky, [Mr. Clay,] and to the honorable gentleman from South Carolina, [Mr. Calhoun,] that propositions, embracing precisely the principles contained in the amendment proposed by the former gentleman as a substitute for this bill, will be laid before Congress. He would further say that the question of a remission or refunding of the duties upon burned goods had been one of doubt and difficulty. It had, to a greater or less extent, occupied the attention of Congress from the commencement of the Government to the present time; and although he could not say that a uniformity of action would be found upon it, he believed he was right in the assertion that no remission had taken place upon such an application for many years now last past. He regarded that proposition of relief, therefore, as one of doubtful result, and certainly calculated to excite long debate, and to occupy much time, if ultimately successful. The present measure was not of that character, but was the one which had been uniformly adopted in such cases; and for that reason had been put forward now, under the hope that it would not only meet the approbation of Congress, but its prompt adoption.

Any objection, however, to the second section of the bill, of this character, might be easily removed by an amendment which should make that section general, and applicable to all the outstanding duty bonds taken at all the ports of the country. It was not for him to object to such an amendment. The bill, in that shape, would be made more acceptable to his suffering constituents, because relief to any commercial town in the country would consequently relieve the suffering city, whose interests it was his duty to represent in this debate. The present state of the national treasury would permit the extension of time upon the existing duty bonds, without injury to the fiscal operations of the Government, and if any member of the Senate would propose such an amendment to the second section of the bill, he should most cheerfully assent to it. He had not felt, and the committee from New York representing the interests of its citizens had not felt, at liberty to ask that the bill should be extended beyond the suffering port; but he could not be mistaken in saying that, if made general, it would be even more acceptable, and more beneficial to that city than in its present shape.

But, Mr. W. said, the adoption of the amendment proposed by the honorable Senator from Kentucky [Mr. Clay] as a substitute for this bill, would not afford the relief required. He feared the honorable Senator himself was not aware of the practical effect of the proposition. What did he suppose would be the extent of the relief it would afford? He (Mr. W.) was able to say, from the information given to him by the intelligent gentlemen who composed the committee from New York, that it could not exceed a million and a half of dollars; that the whole amount of duties to be remitted or refunded upon burned goods, in case that measure should be adopted according to the prayer of the memorial, could not greatly exceed that sum. This would furnish great, and, in many instances, effectual relief to the immediate sufferers by the fire; but it would be, more properly speaking, individual than general; it would act more emphatically upon individuals than upon that great trading and commercial community; it would distribute eventually, and when the extent of the claims could be ascertained, a large sum of money among the actual sufferers who were importers and dealers in dutiable goods, and in that sense was a most desirable measure of relief. The bill before the Senate, however, had a larger scope, and proposed to accomplish a more general object. It proposed to relieve, so far as forbearance of payment could do it, the whole city; it was not opposed to the measure of relief provided for by the amendment, but independent of it; it was more speedy in its influence, and consequently would be more instantly beneficial.

Mr. W. said it was not by any thing we could give that he expected business in that great commercial emporium would be continued without fatal interruption; it had become embarrassed by an unprecedented destruction of property, sweeping from thousands of individuals, as it were, instantly, the means of paying their debts and discharging their obligations of a pecuniary character. The Government was a creditor to more than three and a half millions of dollars. We have our hand upon these oppressed merchants, and unless we raise it, by an extension of time for the payment of this great sum of money; if we enforce payment in this hour of their affliction, hope must desert them, and mercantile failures must commence, the extent of which no human foresight can measure. Will not the Senate, then, consent to the forbearance proposed by this bill, and leave for future consideration the relief provided for in the amendment?

Time, Mr. W. said, was every thing to the suffering merchants. He had been informed, by the respectable committee who were here to represent their interests, that something like $40,000 in amount of these bonds were falling due daily; while a provision in the revenue laws positively prohibits the entering of goods by, and the reception of new bonds from, a merchant whose former bond is due and unpaid in the hands of the collector. Importations ordered before the fire are daily arriving, and men whose all has been consumed are compelled to raise the means to pay their existing bonds, to enable them to enter the goods thus received. Delay, then, in the extension of the credits proposed by this bill, might cause a commencement of mercantile failures, which, once commenced, could not be calculated, either as to their extent or number, or as to their effect upon the general mercantile community of the country. He did hope, therefore, that the bill might be acted upon without delay, and without being connected with other propositions of a more questionable character.

He never spoke of legislative precedents as binding upon legislative bodies, but he did speak of them as worthy of the most grave consideration when they were found to be uniform, and not conflicting with principle. He feared that the proposition to remit the duties upon the burned goods would be found to be against the precedents and practice of the Government for many years last past, and for that reason his own efforts, with that of the committee representing the citizens of New York, have been to have this bill presented by itself, disconnected from any such debatable question. It had been so presented by the Committee on Finance, and he hoped it would not now be exchanged for so doubtful a mode of relief, by the adoption of the amendment proposed by the honorable Senator from Kentucky, [Mr. CLAY,] or in any way connected with that question. He wished each measure of relief prayed for in the New York memorial might be acted upon separately and independently by Congress, and he must entreat the Senate to adopt or reject the proposition to extend the time for the payment of the duty bonds, and not to change it for another, and he feared it would prove a less acceptable proposition.

Mr. W. said it had been objected to the second section of the bill, that it was unconstitutional, as being within the meaning of the constitution, a regulation of commerce or revenue, not general to all the ports of the country, but partial, and proposing to give an advantage to the port of New York. He could not himself see any force in the objection. He could not view the bill as a regulation of commerce or revenue, in any manner to affect importations hereafter to be made, or the revenue to be collected from such importations. It was a mere regulation between the Government and a certain portion of its debtors, whose means of payment had been swept away by a fire unexampled upon this continent in its extent, and the destruction of property it had caused. Could any gentleman consider a simple forbearance of payment to debtors thus circumstanced as a regulation of commerce or revenue, and, as such, partial, unequal, and unconstitutional? He could not think so, and surely he was entirely unable to see how this position was to be maintained by gentlemen who proposed to remit the duties upon the burned goods, and thus not to forbear payment upon the bonds merely, but to give them up to be cancelled without payment. He must suppose that, if Congress possessed the power to forbear payment upon any bonds taken for duties, they possessed equal power, so far as the constitution was concerned, over all bonds so taken; and certainly he could not comprehend how it could be constitutional to give up a bond to be cancelled without payment, and unconstitutional to forbear payment upon that same bond for a term of years, or a few months, giving nothing but the use of the money.

Mr. W. said he had already observed that he did not quote legislative precedents as binding upon legislative bodies, but that he did refer to them as worthy of high regard in cases where the power to act was clear, and the practice of Congress had been uniform and long sanctioned. In that sense he was bound to refer to several acts of Congress applicable to cases of the nature, but not of the extent, of the case under consideration. These acts spread over a period from 1803 to 1820, and the relief afforded by each was an extension of time to the debtors of the Government for the payment of their duty bonds. The acts to which he would refer were—

An act for the relief of the sufferers by the fire at Portsmouth, in the State of New Hampshire, in 1803;

An act for the relief of the sufferers by the fire at the same place, in 1807;

An act for the relief of the sufferers by fire at Norfolk, in the State of Virginia, in 1804;

An act for the relief of the sufferers by the fire at Savannah, in the State of Georgia, in 1820;

Together with sundry private acts for similar relief in individual cases of loss by fire. It was a duty he owed to the Committee on Finance, of which he was a member, to refer to these precedents as their justification in presenting the bill before the Senate. He was not aware that any question of partiality or favoritism towards these afflicted ports had been raised, or that it had been for one moment supposed by any person that these laws were infractions of the constitution, or that they disturbed, in any sense, the equality of the regulations of commerce or revenue. He would add no more upon this point, but, with a single other remark, would submit the bill to the judgment and justice of the Senate.

Was it not for the interest of the Government to grant this extension? The means of its debtors to pay had been swept away by the fire. Still they were struggling, by every effort which enterprise and courage could command, to sustain themselves, to sustain their credit as merchants, and to avoid bankruptcy, until the regular restoration of business and the gains of trade should enable them to pay their debts. If, in this state of things, we press them with demands for immediate payment of our $3,600,000 of bonds, is there not greater danger of loss to us than if we give them time, and permit them to make the struggle which they are now making with so much credit to themselves and to the mercantile character? He would give it as his most deliberate opinion, that the bill was rather calculated to contribute to the security of the Government than to subject it to a loss, and that it should be passed as a measure calculated to benefit the treasury, even if the sufferers were not to be regarded.

Mr. EWING confessed that his doubts had not been removed by the observations of the chairman of the Committee on Finance. He believed that if the extension were made general, it would be considered a regulation in relation to revenue. If, as a general proposition, then, said Mr. E., it would be considered as a regulation, in relation to revenue, when you make the extension apply to a particular port, contrary to that provision of the constitution before referred to, this regulation applies to the port of New York alone, and gives that port a preference over other ports of the Union. The fire in New York gave Congress no power it did not possess before. Then, suppose there had been no fire there, and a bill was brought in to extend the credit on duty bonds, one, two, three, four, or five years, touching New York, and no other city, would it not then be contended that you were giving a preference to New York over the other ports of the Union? The fact that there was a fire did not change the nature of the case at all. You are, said Mr. E., giving advantages to New York not given to others. It appeared to him that there were strong constitutional objections to the bill, and he therefore could not vote for it. He would with pleasure give it his support, if these constitutional objections were removed. The amendment proposed by the Senator from Kentucky was equally objectionable.

Mr. WEBSTER could not go for the amendment of the gentleman from Ohio, [Mr. EWING.] It resolved itself into a question of constitutional power. Seeing a practice of the Government for a period of twenty years, we should be cautious, said Mr. W., in hazarding an opinion against it. How did it happen that bills in 1803, in 1804, and 1820, of similar tenor, passed Congress, and the question of unconstitutionality had not been discovered till this time? Was this a law to regulate revenue, because it finds certain debtors to the Government, and gives them time? Was that a regulation of the revenue of the Government? The constitution goes on, said Mr. W., enumerating certain powers and restrictions. Congress had a right to regulate commerce with foreign Powers. It conferred no power to give a preference to importations in one State over another. In this provision it had clearly a prospective view. A man has a bond to pay, and Congress gives him time. Was this regulating the revenue of the country? On the ground of prudence, he thought the bill ought to be passed. It was an act of prudence for the Government to give relief, as a prudent creditor. A prudent creditor would always give time, rather than incur the risk of losing his debt. With respect to the proposition intended to be introduced in place of this bill, first, it provides for a return of duties, and an appropriation of a million and a half of dollars. That law must find out the loss. Here is a man, said he, who has received the amount of ensurance on his goods; should he receive the relief? He did not say that was a case that might not be provided for; but it was a case that was not provided for. It was said that the original bill was unequal in its operations. He did not consider it a case of right; and it was, therefore, not necessary that an exact amount should be given to each, according to his loss. If it should be more favorable to some than to others, no one had a right to complain. The Senator from Kentucky [Mr. CLAY] seemed to regard this matter as a release. He thought the true state of the case had been stated by the gentleman from New York, [Mr. WRIGHT.] It was not a release, but an indulgence.

Mr. KING, of Georgia, had no hesitation in saying that if there was any seaport of this Union deserving the special favor of Congress, it was the port of New York. But on this as well as on all other occasions, we should, said he, act on principle. The principle they should act on with regard to this bill was one which should govern them on all subsequent occasions of the like nature. The danger was of establishing a precedent which they might hereafter be called on to follow. On the subject of constitutional power alone, he confessed he had no difficulties. The Senator from Massachusetts [Mr. WEBSTER] had put that question on its true grounds. We are, said he, dealing a creditor with our debtors, and we have the power to grant them the indulgence contemplated in the bill. But, said Mr. K., we should not on all occasions use the power we possess without due caution, lest we abuse it. The second section of the bill was liable to serious objections. It provided not only to extend the credit on the bonds of those who had suffered by the fire in New York, but on all other bonds. It might be carried over the whole continent. The credit might be extended to Liverpool, to Lyons, and to Leeds. The great difficulty was to extend the bounty of the Government to those who were the proper objects of its bounty, and not to those who had no claims on it. Now, as far as New York was concerned, he ventured to say that not one in a hundred would be the actual losers by the fire. Do we not know, said he, that the abstraction of so many goods from the market will raise the value of the rest? The value of the goods remaining on hand, then, will be enhanced, and though some few may suffer bankruptcy, the mass will be benefited by their speculations. These results operated against the second section of the bill, and supported the proposition of the Senator from South Carolina, [Mr. CALHOUN,] to strike out that section. The Senator from Massachusetts agreed that it would be a matter of prudence in Congress, as creditors, to extend the credit on the debts due them; but by what stretch of argument could the Senator make this apply to the provision in the first section of the bill, which renews bonds already paid. The arrangement that gentlemen contended for, was, as that of a prudent creditor to secure his debt. The first section was as follows: "Provided, that those who are in the provision of this section, but who may have paid their bonds subsequent to the late fire, should also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded;" that is to say, said Mr. K., that we are to take money out of our pockets, and lend it for four or five years without interest, for the purpose of securing our debt. He admitted that the Senator from Massachusetts was perfectly correct in his constitutional argument, but he thought there should be some reasonable affinity between the measures to be adopted, and the end to be attained. He asked, therefore, if the bill was the prudent measure of a prudent creditor to secure his debt. He should vote against the second section, which extended the credit on the bonds of those who had not suffered by the fire, and should also move to strike out that provision of the first section which refunds the money and renews the bonds already paid. With these changes, he would vote for the bill.

Mr. MANGUM was decidedly against the propositions to amend the bill. There was no gentleman there prepared to say what would be the scope of its influence, or the amount of money necessary to meet the cases that would occur. Both the gentlemen who had proposed amendments assumed the constitutional power of releasing entirely. The honorable chairman of the Committee on Commerce had announced that if the power to release the whole could be assumed, we are well warranted in assuming the fact, that for the safety of the debt, we are justified in giving an extension of time. In a conference of the Committee on Finance, they had come to that conclusion. This Government had one precedent much stronger than any one that had been referred to. It was the case of the earthquake in Virginia, in the days of her greatness. He should vote for it, on the ground that it was to afford present and immediate relief to the whole commercial community in the city of New York, and to others in different parts of the country. The relief would be afforded to the whole community. Was it not compatible with the beneficence of the Government to extend relief wherever it could be done constitutionally? He thought relief could be best administered according to the opinion of those who best understood the nature and extent of the calamity; and he would vote against every amendment that was offered. Did the constitution justify it? He did not doubt it. Did the finances of the country justify it? They did, French war or no French war.

Mr. LEIGH rose to state his impressions on the constitutional question that had been presented. It was of no importance to any body but himself, but he wished that his opinion should be understood, or rather that it should not be misunderstood. The constitution provided that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." And it was objected to this bill, and especially to the second section, that it made a regulation of revenue favorable to the merchants of New

York, and not applicable to any other port. Now, the word "regulation," the phrase "regulation of commerce or revenue," meant general provision of law applicable to all cases of the like kind. The gentleman from Kentucky, sensible that generality of provision is essential to the idea of regulation by law, said that there was such generality here; that the provisions of this bill applied to all the merchants of New York. [Mr. CLAY explained. He had said that they applied to all the importers of New York.] Mr. L. said the difference, in his view of the question, was not material. The bill proposed to relieve the importers who suffered directly by the late fire, and the other importers, as consequentially implicated with those who suffered directly; it was probable, almost inevitable, that the other importers were implicated in so extensive and heavy a calamity. The relief was to be given by an extension of credit for the duties. This, he thought, was not the more a regulation of commerce or revenue, because of the number of persons to whom the relief was extended. If that were so, the importers of New York would, in consequence of their vast numbers, be least of all importers entitled to such relief.

He thought that if this bill, instead of being confined to relief on account of the particular calamity that had befallen New York, had been extended to all cases of the like kind that should hereafter occur there, as well as that which had occurred, this would have been such a regulation of commerce or revenue, partial to that city, as the constitution interdicted. But this bill provided relief for a particular case of calamity, though that calamity involved very many. Therefore, in his judgment, the bill was not obnoxious to the constitutional objection. The gentleman from Kentucky had made some very imposing observations, which had made no slight impression on his mind, as to the unequal operation of the provisions of the bill; but Mr. L. apprehended it would be found impossible to frame any provisions for such a purpose, which would not operate unequally; and he doubted very much whether any could be devised that would operate more equally and fairly than those proposed by this bill.

Mr. DAVIS believed there was a uniform desire in the Senate to afford relief, provided it could be done consistently with other duties. The bill purported to be a bill for the relief of sufferers by fire. He had some objections to the bill, but he would not say that he would vote against it. It was his purpose at present to throw out some objections that had occurred to him. Gentlemen argued that the bill was not to relieve sufferers by fire, but to relieve the commercial community. If so, then the title was wrong. Do you, said he, propose that persons who have lost merchandise and property shall receive an extension of credit on bonds for duties? We had lately introduced a more speedy method for the collection of duties. But by this bill the time of collection was to be extended for four or five years, without paying interest. Who were those gentlemen to be benefited? The object all suppose to be for the relief of citizens of the city of New York. But a great amount of these goods were imported by foreigners. Suppose a man has his goods ensured in Liverpool, is he entitled to your beneficence? He would ask what proportion of this property was of foreign manufacture, and what proportion of American? You do not, said he, propose to give relief to the American manufacturer. You extend it to a class of persons who have not asked it. It was not the principle he complained of, it was the great inequality of distributing the relief. You place (said Mr. D.) a fund in the hands of individuals who have not suffered, and to whom it is clear gain. As to the proposition of the gentleman from Ohio, [Mr. EWING,] to extend this relief to the whole country, it was more objectionable than the other. Here was a great suffering they all knew of. Among those sufferers a large proportion were Americans. By adopting the amendment of the gentleman from Ohio, [Mr. EWING,] you propose to throw into the hands of foreign persons a large amount to inundate the country with goods.

Mr. WEBSTER said a few words in reply to his colleague, [Mr. DAVIS.] The suffering of the commercial community was great and was general, and his colleague well understood how, in such a community, the losses of one affected another. In a large community, mixed up of buyers and venders, importers and retailers, all must have suffered more or less in such a calamity as that at New York. Were those alone who came there the actual sufferers by this fire? The Senate would see that if the actual sufferers alone were interested, they would be debating about returning the duties on the burnt goods, whereas they were discussing a bill to relieve the commercial community. The application was in behalf of the whole commercial community; those who were scorched, as well as those who were not. Did any man doubt that there were hundreds of sufferers, who did not lose a bale of goods, or the most inconsiderable tenement? While his colleague objected to this bill, he had not pointed out a more appropriate mode of relief. This bill was a mode of relief which operated on the whole community, though perhaps more on some than on others. It extended to those who had domestic goods, and to those who had suffered by the fire; and those whose warehouses were full of domestic goods would be among the most anxious to get this bill passed, in order to sustain the credit of those with whom they are connected in trade.

Mr. NILES rose to say that he had prepared an amendment, which he intended to offer if the several amendments then under consideration should not be adopted. He had listened with attention and with profit, so far as his own action on the bill might be concerned, to this discussion; he felt that there was much weight in some of the objections which had been urged against the bill by the honorable gentlemen from Kentucky and Massachusetts, [Mr. CLAY and Mr. DAVIS,] and the amendment which he had prepared would, he thought, remove some of those objections.

[Mr. N. here read his amendment, which was a proviso to the bill to secure the payment of interest on the bonds, the payment of which was to be extended.]

There are two questions arising upon this bill: one, whether the relief it provides is reasonable, and adapted to the case; and whether it is equitable and just in its distribution, so far as it is to benefit individuals. He thought there were objections to this part of the bill, and its benefits would probably be very unequally distributed; and what gave more force to this objection was the fact, that the greatest benefit would be shared by those least entitled to it, by the large and wealthy importers. What is the object of this bill, and the nature of the relief it provides for? It is the extension of credit to the merchants who are the debtors of the United States for duties. It is not, as I understood, the object of the bill to remit any part of them. It seems not to be designed to afford any pecuniary relief, further than by the extension of credit. This being the object of the bill, he was not willing to give it an operation by which it might put large sums of money into the pockets of merchants. All who have sustained a loss to the amount of $1,000 will be entitled to an extension of three, four, and five years' credit, on their bonds, without interest, so that a merchant having bonds to the amount of $50,000, and having lost 1,000, would by this bill be a gainer to the amount of several thousand dollars.

There was another question in relation to this bill, which was, whether there was any constitutional or other general principle which stood in its way.

He had no difficulty as to the constitutional question which had been raised; he had felt no doubts at first on this point, and if he had they would have been removed by the lucid, and, to his mind, conclusive argument of the honorable Senator from Massachusetts, [Mr. WEBSTER.] But this bill was by no means free from objection in regard to the principle on which it rests. This bill is a case of special or partial legislation to which I have a strong objection, as all special laws conferring either rights or immunities, or other benefits, on particular individuals, must operate in derogation of the common rights and interests of the community. The law will, as has been observed, act on the debtors of the United States, yet not upon any general principle; it will not operate on all the public debtors, nor on all of any general class, as the debtors for the purchase of the public lands, or the debtors for duties on imported goods; but its operation will be local, and confined to a particular description of debtors in a single seaport. This is, therefore, a clear case of partial legislation, and objectionable in principle. The question in my mind is, whether the extraordinary circumstances of this case are such as to form an exception to a sound general principle. If there can be any exception to this principle, (and I am not prepared to say there cannot be,) this case must be one. It is not necessary to enlarge on that terrible calamity, or the consequences of it, which in one night laid in desolation a large portion of our greatest commercial city. I consider this, sir, an extraordinary case, and I am therefore prepared to vote for this bill, although it will require a departure from a sound principle which I am extremely unwilling to disregard.

Mr. BUCHANAN said it had not been his intention to say a single word upon this question. He would not do so now, but he distinctly perceived, if the friends of the bill yielded to any one of the amendments which had been proposed, the bill was lost. We must take the bill as it now is, or none. For his own part, he took a much more liberal view of the question than some of those gentlemen who had addressed the Senate. What was the state of the case? On the 16th of December last, a capital of between seventeen and eighteen millions of dollars had been in one day annihilated by fire, in our greatest commercial emporium. Notwithstanding this calamity, not a single failure had since taken place among the merchants of that city. He would say that he did not believe the history of the commercial world presented an example of such punctuality, and such ability to comply with all engagements, in the midst of such distress. It was highly honorable, not only to New York, but to the American character. At the time of this destructive fire, the merchants of that city were indebted to the United States about $3,600,000. And what does this bill, first and second sections and all, propose? To give them this amount, or any part of it? No, sir. All that is asked is, that you shall not, in the midst of their distress, extort this sum from them; which, at this moment, may save them from insolvency and ruin, for the purpose of placing it in an overflowing treasury, where it is not wanted. You are only asked to grant these suffering merchants time to pay this money, provided they give you ample security that the money shall be paid. Is there a single Senator who would not most cheerfully comply with this request, if he did not believe the constitution to be in his way? Not one. He certainly should not go into the argument of the constitutional question, after what had already been said. He felt confident that a large majority of the Senate were already convinced that the constitution had nothing to do with the question. After the merchant had entered his goods at the customhouse, and given bonds for the payment of the duties, he became a debtor to the Government, with whom we might make any fair and reasonable terms, as we may do, and have done, with our other debtors. This, he was very clearly of opinion, would not be giving any preference, by any regulation of commerce or revenue, to the ports of one State over those of another.

What is the present condition of the mercantile community of New York? He had observed in the late public journals that money was now worth one, one and a half, and two per cent. a month. The pressure was very great. The present state of tension could not long endure. Without some relief, some speedy relief, it was probable the merchants must yield. Let a single failure take place to the amount of a million, half a million, or a quarter of a million, and, in its consequences, it would produce such ruin in New York as would be felt to the very extremities of the Union. We might then see that the forbearance which the bill proposes to extend to the merchants is the very best bargain for ourselves which we can make.

The Senator from Kentucky [Mr. CLAY] has proposed, as a substitute for this bill, the remission of the duties upon the goods destroyed by fire. In this proposition he entirely concurred. He had always been of opinion that, when merchandise had been destroyed by fire before it had gone into the consumption of the country, the Government ought not to exact the duties. He certainly, however, could not vote that the gentleman's amendment should take the place of the bill; and more especially, as a remission of duties on goods destroyed by fire was a distinct mode of relief, asked for by the citizens of New York, which would yet come before the Senate.

To the Senator from Massachusetts [Mr. DAVIS] he would say that he felt as friendly to American manufactures and American manufacturers as he or any other gentleman could do, and would go as far to relieve them. But what can we do for them on the present occasion? We have not the power to do any thing. And shall we, because we cannot do all the good we desire, do nothing at all? He trusted this bill would pass without any amendment.

Mr. CLAY said he perceived, what he was not aware of when he offered his amendment; [Mr. C. here mentioned some new light in which the matter had presented itself to his mind, not distinctly heard or understood by the reporter;] and as there seemed to be a general disposition to grant the relief asked for, he would withdraw the amendment he had offered.

Mr. TYLER considered it rather supererogatory to extend this discussion further. But, as a member of the Committee on Finance, he had found in investigating the matter that it had been the uniform practice of the Government to extend indulgence to its debtors. He found, in the year 1803, an act for the relief of the sufferers by fire in Norfolk, and the first section of this bill was like it. He could not go against this bill, when his own fellow-citizens of Virginia had been relieved in precisely the same case. Mr. T. mentioned the names of the committee to whom it had been referred in the Senate; and, said he, in the House of Representatives, Mr. Randolph was chairman of the committee who reported it, who was always attached to strict construction of the constitution, and it was approved by Thomas Jefferson; with these precedents before him, added to the convictions produced by the arguments of the gentlemen who had advocated the passage of the bill, he could not vote against it. Mr. T. spoke of the respective merits of the first and second sections of the bill. It afforded relief to the whole commercial community involved in this sweeping calamity; said he, it is not alone the drawer, it is the endorser, who stands in danger of losing the amount. The effect reached, to a great extent, every person in the commercial community. There was one difference between the precedent he had cited and this bill. There it was not limited as this was. In this bill they had extended a guard over it, and, as it now stood, it was better guarded than the bill granting relief to the sufferers at Portsmouth and Norfolk.

Mr. HENDRICKS observed that it was obvious that the bill would be reported to the Senate without amendment, and that he was prepared to vote for it as it was. He would resist all amendments that might be offered, believing that they would only tend to prolong discussion and embarrass the passage of the bill.

Mr. EWING thought it necessary to say a word or two in relation to the first section, before taking the question on his amendment, as it was supposed there might be some discrepancy between them which might be removed by another amendment he would then suggest. The first section of the bill provided that the collector of the port of New York should be authorized to extend the credit on the bonds, payable in New York, of those who had suffered by the fire. Now, he proposed that each collector, in the different ports of the United States, should have the same authority given him. It would have this effect. It would operate in favor of none who had not suffered by the fire, and it would not give a preference to one port over another. To illustrate this, he would state a case. A and B are sufferers by the fire in New York, and both have bonds becoming due; the one resides in New York and the other in Philadelphia, so that the bill extends relief to the first and not to the last. Now, he would ask, what good reason there was for making this distinction? The amendments he had suggested would remove all his constitutional objections to the bill, and, if made, it would give him pleasure to vote for it.

Mr. CALHOUN said he had listened with great attention to those gentlemen who had taken part in this debate, but his objections to the second section still remained unchanged. It was admitted on all hands that this second section contained a novel principle, and that no precedent for it was to be found on our statute books. Here indulgence was extended to those who had not suffered by the fire, and the argument in support of it was that it was not a regulation as to revenue, but that we were as creditors dealing with our debtors. But might not this apply as well when the commercial community of a city had suffered by any other calamity, by the breakage of banks, or by shipwrecks? You may at no time (said Mr. C.) say that this particular city has suffered and we must extend relief to it. Let it be recollected that it was not for the misfortunes of small towns that so much sympathy was excited; but that the calamities of large cities create an excitement which is apt to cause the constitution to be overlooked, and a dangerous precedent established by giving a preference to that city over the other ports of the Union. You must (said Mr. C.) extend relief only to those who have suffered, or you will establish, a dangerous precedent. He felt deeply for the losses sustained by this great commercial city, and he would with the greatest pleasure vote for the bill if its objectionable features were removed; but principle with him was stronger than feeling, and he was compelled to oppose it. He was not sent there to exercise his sympathies, but for a higher purpose. He would much prefer leaving this money in the hands of the merchants to placing it in the monopolizing banks, which made such great profits by the use of it; for he believed the merchants would make a better use of it. He would vote for the amendment of the gentleman from Ohio, but even if that prevailed he must vote against the bill, unless his objections to the second section were removed.

Mr. KING, of Alabama, was entirely at a loss to see what it was that caused the gentleman from South Carolina [Mr. CALHOUN] to deprecate the principle of the Government extending relief to sufferers by fire or earthquakes. Had they not a constitutional power of extending relief to them? He had no constitutional difficulties in his way, and would not for his part inquire whether the right to legislate upon the subject had been established by precedent or not. He consulted his own common sense upon the subject. He had no doubt that granting the relief asked for was a duty they owed to themselves, to the country, and to the sufferers in this great calamity that had befallen that noble city. He would go as far as any one in support of the measure. He would not withhold the relief under technical objections. It was true he would prefer confining the relief to American citizens alone; and the objections suggested by the gentleman from Massachusetts, [Mr. DAVIS,] had some weight with him. But he was not going to oppose the bill because he did not see its operations in all its complex and intricate bearings. The commercial connexion was ramified and extensive in its character. Touch one single street in this great commercial emporium—touch Wall street--and you give a shock to the whole country. He should vote for the bill.

The question was then taken on Mr. EWING's amendment, and lost, without a division.

Mr. WHITE had intended to vote for this bill, and as the yeas and nays were called on the amendment by the gentleman from South Carolina, [Mr. CALHOUN,] he would state the reasons why he should vote against it. The first section provided relief for those who had actually suffered by the fire, and the second section gave relief to those who had suffered a consequential loss. Now, was it possible that they had the power to indulge their debtors in the first case and not in the second? Here a great calamity had befallen a great city, and they were asked not to forgive the debts of those indebted to them, but to grant indulgence by extending the time of payment to those who had actually suffered by this great calamity. This was proposed to be done by the first section. There was another class of debtors, said Mr. W., not immediately sufferers, and we apply to them for payment; they answer that they have lost by those who have suffered by the fire, and that if we do not indulge them also, they would be put to great inconvenience and distress. The loss of the one class as much deserved relief as the other; for, in such a calamity, no man could tell how far the losses extended. He confessed he had no hesitation in extending relief in both cases, and he had no constitutional scruples as to the bill. Suppose the case of the commercial community suffering by the breaking out of a war, or great losses have been occasioned by inundations of the Mississippi. One half of your debtors under such circumstances apply for relief, and you grant it; the other half tell you that they have suffered as much in consequence of the losses sustained by those to whom you have granted relief; how would you make the distinction between them? As there was a direct loss, and also a probable loss in consequence of it, they had a right to grant the relief, and he was prepared to vote for the bill, and against the amendment.

Mr. PRESTON said the second section of the bill was virtually a regulation of commerce, and gave a preference over the port of New York. It was, therefore, to his mind, unconstitutional, and he could not vote for it. Mr. P. read the clause of the constitution on that subject, which says, "no preference shall be given by any regulations of commerce or revenue to the ports of one State over those of another."

The question was here taken on Mr. Calhoun's motion, and it was lost: Yeas 9, nays 34, as follows:

Yeas—Messrs. Brown, Calhoun, Clay, Cuthbert, Davis, Ewing, King of Georgia, Moore, Preston--9.

Nays—Messrs. Benton, Black, Buchanan, Clayton, Crittenden, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Morris, Naudain, Niles, Porter, Prentiss, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Tyler, Wall, Webster, White, Wright—34.

Mr. KING, of Georgia, said it was perfectly apparent that the Senate intended to pass this bill without any amendment. With all his heart would he make up this whole loss of seventeen millions to the city of New York, if it could be done without any dangerous consequences. It had been said that this bill was intended to extend relief to those who had suffered by the fire, and not to operate as a bounty to those who had sustained no loss. It had been stated that the capital of New York was increased in value; that was one argument used to hurry the passage of the bill. It was admitted on all hands that the rate of interest had increased, in addition to the enhanced value of goods. This, however, was not what he rose to speak of. He rose to fulfil his promise, to submit an amendment striking out the proviso in the first section to which he had before referred.

Mr. K. here read the proviso, as follows:

"*Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded."

This was taking money out of the treasury to lend for three, four, and five years, without interest, and had been characterized by a Senator from Massachusetts as the measure of a prudent creditor to secure his debt. Now, he asked, did not this debt lose its character *eo instanti*, from the very moment it was paid. So soon as the debt came into the treasury, it was the property of the United States, and they had just about as much right to lend it as to lend the whole seventeen millions that had been lost by the fire.

Mr. K. then moved to amend the bill by striking out the proviso in the first section above quoted.

Mr. BUCHANAN said he had but a single remark to make. To adopt this amendment would be to punish those merchants who had paid their bonds punctually notwithstanding the distress, and to place them in a worse situation than others who had been either unable or unwilling to pay. This he could never consent to do.

The question being taken on Mr. King's motion, it was lost without a division.

The bill was then ordered to be engrossed for a third reading.

On motion of **Mr. WEBSTER**, the Senate proceeded to the consideration of executive business; and, after remaining a short time with doors closed,

The Senate adjourned.

Thursday, January 14.

SUFFERERS BY FIRE IN NEW YORK.

On motion of **Mr. WRIGHT**, the Senate proceeded to consider the bill for the relief of the sufferers by fire in New York, which yesterday passed to its third reading. The bill was read a third time, and passed, and sent to the House of Representatives for concurrence.

COMMITTEE ON ENROLLED BILLS.

A message was received from the House of Representatives, announcing that the House had appointed a Committee on Enrolled Bills on the part of the House.

The Senate concurred, and the Chair was directed to appoint a committee on the part of the Senate; whereupon, Mr. Naudain and Mr. Niles were apppointed.

ANTI-SLAVERY PETITIONS.

The motion of Mr. Calhoun, that the petitions from Ohio praying for the abolition of slavery in the District of Columbia be not received, was taken up.

Mr. RUGGLES suggested the propriety of dividing the question on the petitions, and taking the vote separately upon them.

Mr. WEBSTER, in reference to the time of day, said it would, in a few minutes, be time to pass to the unfinished business, which was the special order of the day, and expressed a hope that this course would be adopted by unanimous consent.

Mr. LEIGH expressed a wish to know at what precise time this subject would be again taken up, as he was desirous to make some remarks on the subject.

The **CHAIR** said it would stand the first in the ordinary business of the morning.

The subject was, by unanimous consent, passed over.

NATIONAL DEFENCE.

The Senate took up Mr. Benton's resolution to appropriate the surplus revenues for purposes of national defence.

Mr. EWING, of Ohio, rose and addressed the Chair as follows:

Mr. President, the resolutions which gave rise to the discussion a day or two since, and which are now before the Senate, have been almost wholly lost sight of, and the debate has turned upon matters relating to them but incidentally. Those matters I shall not overlook in the remarks which I propose to offer to the Senate; but I will in the first place give my views of the resolutions themselves, or rather of the resolution; for I deem the first only of importance, and shall consider that only.

This resolution proposes to set apart the surplus revenue now on hand, and, as I understand it—for it is not very definite in its language—the accruing surplus for the future, to be applied to the purposes of national defence. Now, before I vote for this resolution, I wish to have a definite idea of its meaning—not a vague, confused notion of something about it that may or may not be well enough; but I must understand it, especially the important words which are the substance, the very body and soul, of the resolution; that is, the surplus revenue; what is it?

It certainly is not any thing that is wanted for the purposes of Government, which are, I believe, generally, the civil list, foreign intercourse, military service, including the building and arming fortresses, &c., and the naval service, including the gradual improvement of the navy. These, if not all, are some of the ordinary expenditures of the Government; and so long as any money is wanting for these, there can be no surplus revenue; and if an extraordinary occasion should arise when it was necessary to summon and concentrate all our energies upon any of these objects of expenditure, there could be no "surplus revenue" until that necessity was met and satisfied. This, then, seems to me to be the interpretation of the resolution: After we have expended all the money that it is necessary to expend, or which can be expended upon our fortifications and our navy, we will set apart all the residue of our available means, to be applied to the same objects.

Mr. President, I am in favor of making as perfect as possible our national defences, and will go as far as any gentleman to effect that object; but I must go about it, if at all, in the ordinary and legitimate mode of legislation. I am not disposed to consider that a thing to be done only when we have nothing else to do—a matter to spend money on, instead of a necessary duty to be performed. I would appropriate, not out of the surplus, but out of the revenue of the nation, so much as is necessary, and as can be applied and expended advantageously, from year to year, upon these objects; but, having done all that was necessary, I would not by resolution determine to expend or to set apart all the residue of our national funds to those objects, however important, after they have been fully answered. Nor am I disposed, in this matter of public defence, to thrust the Senate in advance of the Executive, or to lend my aid in enabling Congress to usurp this important function of the Chief Magistrate of the Union.

The President is commander-in-chief of the army and navy of the United States; as such, it is his duty to see that they are at all times well appointed, and in a situation to perform the services which the exigencies of the times may require of them. If money is necessary to finish or to repair our forts, to arm, to man them, or to erect new ones, it is from him that this information should come to us, and we cannot properly act upon it coming from any other source. Nay, the constitution enjoins on him the duty of communicating such matters to Congress.

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

If, then, he deems it necessary or expedient that appropriations of public money should be made for our fortifications or our navy, let him tell us so; and not tell us, in the language of this resolution, that he wants all we have, or all the surplus; but let him—as all his predecessors have done—let him tell us the amount wanted, and which can be expended advantageously upon these objects—the specific objects to which it ought to be applied—and I, for one, will go far, very far, in the way of appropriation, to satisfy all his requisitions.

I am opposed to this resolution for another reason. Its prime object does not seem to be the defence of the country, but the expenditure of the surplus revenue. It is not offered because a fort is wanting here, or a fleet there, to guard our coast or protect our commerce. It is because we have plenty of money, and this is a good way to get rid of it. The object, then, being chiefly to spend money, and but as an incident to build fortifications, it must be expected that those who shall have the charge of it will pay special attention to their principal duty—spend it fully and effectually--spend much money, though they may build but few ships or fortresses. But it seems this resolution is not of itself an appropriation; it merely declares that the whole surplus revenue—the twenty millions of money now in the hands of the Executive, and the accruing surplus—shall be set apart for this purpose. It, then, amounts to this; that this money shall remain where it is, in the coffers of a few favorite banks, to be used by them to increase their dividends, until, some eight or ten years hence, it can be appropriated, and some four or five years thereafter expended upon our navy or our fortifications.

I have said that I am prepared to go very far, as far as may be within any reasonable bounds, in voting appropriations for our fortifications and navy; but to all this, however proper and necessary, there is a limit, which it is injurious to the very object to pass. If there be an attempt to apply too much money to these objects, and hasten them overmuch, you necessarily intrust their execution, in part, to incompetent engineers or superintendents. You have to employ inferior workmen, and to use defective materials; so that the very object of our solicitude sustains injury from the effort to urge it forward too rapidly. But if this large and sweeping appropriation be made, and the President take the necessary time to apply it, what is the effect? It places the whole surplus revenue at once in his hands by law. It is out of the ordinary control of Congress, or, more properly, in a situation in which Congress has not generally exercised a control over it, and there it would remain for years; the unexpended balances in the hands of the Executive rising from eight millions, the present amount in hand, to twenty, thirty, or forty millions of dollars. This would be equivalent to a law that the President should deposite the public money where he pleased, and the accumulating surplus should remain, to an indefinite period, subject to his disposition and control.

It will not soon be forgotten that the ordinary appropriation for fortifications failed the last year in the House of Representatives; for what reason I shall not just now inquire. Yet, notwithstanding this, the balance of old appropriations was not all expended. The whole amount of unexpended appropriations on hand is stated by the Secretary of the Treasury at $7,595,574. That part of this is of the appropriations for fortifications I infer from the fact that, in the report of the Secretary of War, he states, as an excuse for the slow progress made in some of the fortifications, that mechanics and laborers could not be procured to perform the work. If we should now appropriate the whole surplus revenue of twenty millions, how many years would it remain on hand unexpended, swelling the fortunes of the favored capitalist, or ready for use as the convenient instrument of corruption?

But the Senator from Missouri tells us that the seaboard is defenceless, that our forts are unfinished or dismantled, and our navy unfit for service. He has drawn an appalling picture of the wretched state of these our arms of defence, which clearly indicates somewhere a degree of shameful negligence or mismanagement; and where does this heavy responsibility rest?

The present Chief Magistrate, and those who act with him, have held the control of this Government for now almost seven full years. At the time they received it from the hands of their predecessors, no complaint was made of the state of the defences of the country; nor do I believe there was then any reason for such complaint. They were in a state of steady and regular improvement, gradually becoming all that was necessary for the security of the country. Why are they now in the miserable condition described? Why have they been for so many years neglected by this administration, which has been all-powerful in the nation, and which has possessed a treasury full even to redundance? Has the Senate interposed to prevent appropriations for these objects? No, never—never, within my knowledge and recollection, in a single instance. No appropriation which was asked for by the Executive for these objects has, as far as I know, been withheld, diminished, or given grudgingly, by this body. Why, then, is this the state of our country at this time, if indeed it be so? Sir, here is the solution: This has been an administration whose capacities and whose powers have been fitted and directed to pulling down every thing and to building up nothing. Look around throughout the country, and see if there is a single monument, a great and important monument, raised by it, or founded by it, to rise hereafter, and extend its beneficence to future times. But it has been successful in the works of destruction. One after another the institutions of the country have been made to fall or totter before it; but nothing has been built up, nothing strengthened, save only the executive power itself. There was no time to erect fortifications; to build, to equip, or to repair our ships; our foreign defences occupied no portion of the attention of our Executive or his Departments. And the consequence seems to be—what any one might have predicted—our seaboard is now defenceless, and subject to the mercy of the first Power that may see fit to attack us.

But the Senate of the United States are charged here, upon their own floor, and by a member of their own body, with high crimes against their country, because of this unprotected state of our maritime frontier; as if we were to go in advance of the Executive, to procure for him and hunt out the objects of necessity, and offer him appropriations, and ask him to expend them. But the last session of the Senate was the one in which many and heavy crimes are said to have been committed, in the refusal of appropriations. The Senator has produced here a schedule setting out, one after another, a list of our misdemeanors; and first, is our refusal to pass, last winter, a resolution similar to that which is now under consideration. He might have spared himself the trouble of enumerating this; for, unless I am deceived, he will soon have another instance, a fresh repetition, of the same offence.

Sir, anxious as I was, and as I am, that the necessary defences of the country should be duly and promptly attended to, I did not and I will not vote for this crude, unformed, and shapeless proposition, nor any other like absurdity, though it may seem to tend to the effecting of a desirable object. I require something more—not merely that the object be a good one, but that the means of effecting it be appropriate. But I let this go for what it is worth, and proceed to the next specification. The Senate is charged with having put down an amendment which the Senator from Missouri proposed last winter to the fortification bill, containing an additional appropriation of $500,000. This matter is one of which I have no recollection whatever. It appears that the proposition was made by the honorable Senator from Missouri by order of the Committee on Military Affairs; and my honorable friend from Delaware [Mr. CLAYTON] has already put that matter at rest, in the brief but forcible exposition which he gave us of it the other day. The Senator from Missouri gave up the point, and admitted, most expressly, that, though he presented the proposition, he abandoned it on a suggestion; and such I see, on inspection of the papers of that day, was the fact. It is reported shortly, thus:

"Mr. BENTON moved to amend the bill by inserting an additional appropriation of $500,000.

"At the suggestion of Mr. WEBSTER, the consideration of this amendment was waived by Mr. BENTON for the present."

So that, on a conversation between the Senator from Missouri and the chairman of the Committee on Finance, the honorable Senator, in effect, withdrew his proposition; and he has now charged this Senate with a dereliction of duty, and a want of patriotism, because we did not adopt the measure, which he presented, it is true, but put out of our power by virtually withdrawing it. What did we know of the necessity or the propriety of his proposition? He who presented it did not explain it, did not press it, did not ask for its adoption, but expressly declared that he would not press it, which on this floor is equivalent to saying that he did not wish it to be adopted. It is most unfortunate that the Senator from Missouri did not recollect the actual state of things before he advanced this, among the other grave charges against the Senate. It is true, as I have already said, that when this special matter was commented upon by the Senator from Delaware, the gentleman from Missouri gave it up, and admitted that it was he, and not the Senate, that had disposed of that proposition. But all who understand the tactics of the party press know that his charge will be sent abroad throughout the whole land, so far as a newspaper circulates, but the refutation of the charge, and the admission that it was unfounded and mistaken, will never find its place in one of them—no, not one; and the honest yeomanry of the country, who read and believe, will be led thereby to suppose a state of things existed which did not in fact exist, and be led to an unjust and injurious censure of the conduct of some of their public agents. It is therefore unfortunate that the honorable Senator had not better refreshed his recollection before he made this accusation. This is the second specification in his bill of indictment against the Senate; but, lastly, and chiefly, the loss of the fortification bill of last year, the whole blame of which he very liberally and generously takes upon this body. Let us look to it; it is easy to make charges, with or without foundation; and in this case, fortunately, the proof is at hand, and is direct, clear, and conclusive. This is the history of the transaction: The fortification bill was passed in the House on the 21st day of January, and on the same day sent to the Senate. The relations of our country with France were upon that day precisely the same as they were on the 3d of March, at the close of the session. The bill at that time contained no appropriation of three millions for the general purpose of defence; and, if it had been deemed necessary, can any one doubt that it would have been inserted by a committee in the confidence of the Executive, and by a House devoted to his interests? But no such thing. The bill came to this body containing appropriations for fortifications to the amount of about $450,000; an amount evidently too small for the energetic prosecution of the works on hand. The Committee on Finance, to whom this bill was referred, detained it for some time, that information might be obtained which would enable them to supply the deficiencies of the bill, and make it what it ought to have been when it came to us from the House. I can say, sir, for I was then a member of that committee, that it appeared to be the anxious wish of the chairman, as well as of all the other members, to do every thing that could be done to supply the deficiency arising from the neglect or inaction of the other branch of Congress, and to make up to the public service what they had left deficient. The bill was reported back with various amendments, increasing the appropriations about two hundred thousand dollars. With these amendments, it was returned to the House on the 24th day of February, where it slumbered until just at the close of the session, at a late hour of the last evening. Until that hour we had supposed the amendments of the Senate had been agreed to by the House, and that the bill had become, or was about to become, a law, without any further action on our part; but on the evening of the 3d of March, after the Senate had taken its recess, and after the chamber was lighted up for the night, in the midst of multifarious and pressing business, both legislative and executive, which was then crowded upon us, this bill was returned to us from the House, with an amendment to one of the amendments of the Senate, appropriating the round sum of three millions of dollars, "to be expended in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications, and ordnance, and increase of the navy"—an amendment giving $3,000,000, attached to an amendment making an appropriation of perhaps $75,000—thrust in upon us here in the very last moments of the session—no time left for deliberation, none for reference, none to enable us to modify or amend; it involved, in the very nature of things, immediate acceptance or immediate rejection. Waiving for a moment the decisive objection growing out of a solemn requisition of the constitution, what was there as a matter of expediency which could permit us to accept it? It was not recommended to us or asked for by the President; he had sent us no message—informed us of no public necessity that required it—expressed no wish that it should be made. It was not an ordinary appropriation; for all that was ordinary and in the usual course of the Government had been already hunted up by the committees of the Senate, and inserted in that or other bills, in place or out of place, wherever we could put them, so that the wheels of Government should not stop. This amendment was sent to us by the House, but on whose responsibility? It was first acted on there in Committee of the Whole on the 3d of March, and passed, with little examination or discussion. We had not even the authority of that body, such as it would have been had their vote passed upon deliberation, with time for discussion. Under these circumstances, I say, without hesitation, it is my firm belief that those who caused that amendment to be inserted knew that it would not pass this body, and did not intend that it should pass it. The very sum appropriated—the time which was chosen to send it to the Senate—the necessity of passing it, if at all, out of all the rules and without the application of any of the guards which legislative bodies never can properly dispense with in the appropriation of public money—must have satisfied those who controlled this matter, and who gave it movement and direction, that it must be rejected by the Senate. But, lest there should be any doubt on the subject, lest it might have taken it with all the objections to which it was otherwise liable, it was sent to us in a form, and in substance too, violatory of the spirit of the constitution. It would have been an appropriation in form, but not in fact. It would have been voting money generally into the hands of the President, to appropriate as he might think fit, provided it were applied for the purposes of national defence. And it would have been putting it in the power of the President to raise an army, to make and to carry on war, without the further aid or interposition of Congress. I do not believe, sir, that any man who reasoned could think for a moment that that measure could or ought to pass this body; and I am yet to be convinced that the friends of the administration here would have given it their votes, if they had believed that their votes would have made it a law. They would at least have weighed well the matter, much better than they could have weighed it during the hour that it was pending here, before they would have assumed the responsibility which the passage of that measure involved.

But, sir, it was rejected. I do not stand here to defend myself for the part I took in its rejection, nor to apologize for the act. I stand ready now, and at all times, to proclaim the participation which I had in it—to claim it as one of the good works which I have helped to perform; and to avow that the like, come when it will, or where it will, before me as a subject for my action, will meet a like immediate and indignant rejection.

But, sir, the bill to which this three millions is an amendment was also lost. How, sir, and where? Not in the Senate. The bill was perfectly safe, if the House chose that it should be so, after the rejection of this amendment. It was returned to them much better than when they first sent it to the Senate—with much more extensive appropriations for our national defence; and that body had nothing to do, in order to make it a law, but pass the bill when returned to them, without the amendment which the Senate had rejected. This they did not do. They asked for a conference, which was at once conceded. The conferees met, and the chairman of the Committee on Finance returned in a few moments, and reported an agreement to strike out the three millions, and appropriate $300,000 for the increase of the navy, and $500,000 additional for the repairing and arming our fortifications. The bill was still in the hands of the House of Representatives, and it was in their power still to have made it a law in a few moments' time—a law with the addition of $800,000 to the ordinary appropriations, and with a full million added to the original bill as they had sent it to the Senate. We waited until late at night, and the bill was not named in their body again. Message after message came to us, but this came not. Before the session closed, a message was sent by this body to the House, respectfully reminding them of the bill, and the agreement of the committee of conference. It was read in the House, but no answer was returned. There sleeps the bill, and there let it sleep for ever. And if any evil has happened or shall happen to the country, for the want of the appropriations which it contained, let the censure of the nation fall, I care not how heavily, on those who contrived and produced its loss.

Mr. GOLDSBOROUGH, of Maryland, said, when these resolutions and inquiries were first presented to the Senate, he regarded them as matters of business, as measures designed to have a bearing upon the great national interests. But his surprise was not greater than the mortification he felt, when he found that the whole was made conducive to a vituperative and indecorous attack upon this Senate. Nor were these feelings at all allayed when he heard from the lips of the mover of the resolutions, accompanied with an air of menace, that the accusation thus made should be made known to the people. That what should be made known to the people? That the Senator from Missouri charged the Senate of the United States of faithlessness to their duty—of a total disregard of the national security and defence; and that it was owing to their opposition to the grant of three millions, sent in the last night of the session as an amendment to the fortification bill, that the United States have not now a fleet upon the ocean equal to that which he represents as about to be sent from France upon our coast to overawe the councils of the country.

Now, sir, as to this unjust and gross accusation, my reply is, distinctly, that it is wholly unfaithful to the history of the proceedings in the Senate, and unfounded, in letter and in spirit.

Before he made any further remark upon this accusation, and the circumstances supposed to lead to it, he would advert to the paper on the table, containing the resolutions and inquiries, and would still continue to treat it as a matter of national concern. If the subject before the Senate is really intended for defence, he would endeavor to make it stronger; if a matter of national interest, he wished to make it more national; and if it is designed to be adopted, he flattered himself that the amendment he held in his hand, and which he would read as part of his remarks, will secure it greater strength in the Senate.

Strike out all of the first resolution after the word *Resolved*, and insert, That the general defence and permanent security of the country are principal objects of the national care, and therefore adequate and liberal specific appropriations from the public revenues ought regularly to be set apart and applied to those purposes.

This amendment, it will be seen, has a decided advantage over the resolution designed to be stricken out, as it pledges the whole revenue, as far as it can be expended, to the national defence, instead of confining it to a surplus, which, although large now, may not be so ample in future; nor is it fit that the public defence should be measured by surplus revenue. One of the chief objects of appropriation ought to be for defence; this should be made with ample but proper liberality from the public income generally, and not rendered dependent upon casual surplus. Besides, as was well remarked just now by the honorable Senator from Ohio, [Mr. Ewing,] we know nothing of surpluses until all the demands of the Government and country are supplied; then, when all demands are supplied as far as can be expended, it seems to be unnecessary further to apply surpluses to any of those purposes.

Besides this, sir, there are other objections to this application of the surplus revenue, not only because it is, and ought to be, made useless by amply providing for all national demands before a surplus is ascertained, but because it interferes with (he knew not if designed) the proposition of the Senator from Kentucky [Mr. Clay] to appropriate the surplus revenue from the public lands to the States, which he believed to be a favorite object with the people in the States, and because it also interferes with a proposition of like import, but more extensive, introduced by the Senator from South Carolina, [Mr. Calhoun.]

So far upon the amendment. When the Senator from Missouri, availing himself of his resolutions, commenced his attack upon the Senate, by giving us some account of a French officer who had exchanged friendly salutations with those of our own ships on the ocean, and read an extract from a French journal, stating that a French fleet was to be sent upon our coast too powerful for any that our country could furnish, he represents this fleet as sent here to menace us, and significantly asks the question, why is it that we have not a fleet adequate to meet them? Which interrogatory he as significantly answers for himself, by ascribing it to this Senate; that it is owing to their rejection of the three millions added to the fortification bill, which was sent to the Senate, without specification, on the night of the last day of the past session; and this rejection, he insinuates, was done with a view of preventing the "clothing the nakedness of the land."

Now, sir, if such could have have been the design of the Senate, they must have had some motive for this act of treachery, and there must have been some grounds to expect a condition of things when such a design could have been made to be felt, as in case of a war. Let us see how the Senator and his positions agree with each other in sustaining such an accusation. By reference to the proceedings of the Senate of last session, we shall find that, upon due consideration, the Senate unanimously resolved that it was "inexpedient to adopt any legislative measure in regard to the state of affairs with France." By looking at the history of the proceedings of the other branch of Congress, as now upon record, we find that the House, so late as the 2d of March, after a full view of all the despatches sent by the Executive, unanimously decided that the "treaty with France should be maintained, and its execution insisted on," and said no more; and we see also that a resolution, "That a contingent preparation ought to be made to meet any emergency growing out of our relations with France," introduced by the chairman of the Committee on Foreign Relations in that House, was by that chairman, on the same day, the 2d of March, laid upon the table, where it quietly reposed during the short remnant of the session. Stronger proof than this we cannot have as to the unanimous sense of Congress against the probability of any hostile change in our French relations. This, it will be observed, was no party vote—no vote of the administration's friends—no vote of the opposition--but a unanimous vote of every member in each House. By the Senator's own showing, too, the other day, from his French authorities, all was peaceful and harmonious in France—no manifestation of a change, or of an intent to change, our peaceful relationships; and this state of things he dates as late as the month of April past, some four weeks at least after the adjournment of Congress. How, then, in the midst of all these fair prospects of peace, and in contradiction to their own action, and the united action of all Congress, this Senate could have plotted to prevent Congress from "clothing the nakedness of the land," was, he must confess, utterly incomprehensible to him.

Again, sir, suppose these three millions had been voted on the 3d of March last at night, without specification or limit, by what magic could the Senator have transmuted these millions, in the short period of nine months, into ships equal in number to Admiral Mackau's fleet, which he represents as about to be on our coast? Did not the Senator count that fleet at sixty sail; whilst the whole of our own fleet is, in commission eighteen; in ordinary twenty; on the stocks thirteen; constituting an aggregate of fifty-one vessels? Yet the Senator would have converted three millions into sixty ships, with our whole navy thus situated, and in a space of time that would have rendered it a miraculous operation. We have had some evidences from the Senator that he was a second Midas, who turned all he touched into gold; and now we are to presume that he intends to amuse us with another humbug, in a miraculous augmentation of the navy of the United States.

In order that the world may see that there is no evidence before us that the Executive entertained such ideas as those of the Senator, I turn you to the report from the Navy Department, of the 5th December, where we find that less than half a million of dollars is required by that Department to fit out one ship of the line, six frigates, nineteen smaller vessels, and one steam frigate, for the year 1836; which last steam frigate can be completed, he says, in the course of the year. And from the Secretary of War's report on the 30th November, we learn, substantially, that new estimates are submitted, because no appropriations for fortifications had been made last year. He further states that some forts have been completed, others recommended, in continuation of the system of defence; and that a number of our important harbors are either wholly undefended or partially protected; and he then adds, as a system adapted to this condition of the defences, this suggestion, viz: "an adherence to the general plan of defence, and a gradual prosecution of the work as the national finances and other considerations may justify, seem to be demanded by a just regard to the circumstances of the country, as well as by the experience which the events of the last war forced upon us."

Now, sir, according to these reports, we see no such pressing emergency, no such urgent demands as the Senator sets forth. If they had existed last session, when the three millions were asked for, why are they not included in the estimates now, when nothing more is said to be required than the usual appropriations? It is the duty of the Departments, acting under the authority and direction of the President, to make known to Congress full estimates for every specific object which the national interest may demand; and to such applications alone can Congress pay attention.

But, sir, there is another document to which he must call the attention of the Senate—it is the late executive message, which speaks a language that he was scarcely able to comprehend; or, if he did comprehend it, he regretted it. After stating that loss and inconvenience had been experienced from the failure of the bill containing the ordinary appropriations for fortifications, the message goes on: "This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object." And why were these executive views not made known? Am I to understand that they were entertained, and, being entertained, that they were to be obeyed, without even the condescension of being made known? It is a pity that such views were kept locked up in the executive bosom, which were to have come in aid of so important an object. It is to be lamented that they did not burst the bars that confined them, that they might have shed their light here. Such intelligence was wanted; it was asked for. He distinctly remembered that the venerable Senator from Tennessee, [Mr. WHITE,] and the Senator from Massachusetts, [Mr. WEBSTER,] and probably others, but those two he well remembered, said, each in his place, that if the President would inform the Senate that three millions were wanting for the public service, and would cause to be specified the sums for the respective objects, they were ready to give it; and they went further, and said, if the heads of Departments would say that amount was wanted, and state the sum that was to be applied to each, they were ready to vote it—but the intelligence came not at all; it was too closely penned up in the executive bosom to escape, and the unsanctioned call was rejected.

He would now take a brief review of the history of this transaction, not wishing to consume unnecessarily the time of the Senate, that the world, to whom it is to be made known, may more accurately understand it. The fortification bill, as it is called, came first from the House to the Senate at an advanced period of the session, after being duly deliberated on in the House of Representatives, as we are bound to presume. Much addition was made to the bill by the Committee on Finance here, for defence, which passed the Senate on the 24th February, and was returned to the House. Nothing more was heard of it here until the night of the last day of the session, on the 3d of March, when the bill came back to us, containing an additional appropriation of three millions of dollars, as a contingent fund, without any specification. This was so large and so extraordinary a demand upon the public treasury, so suddenly and so unexpectedly made, at the very heel of the session, that it met with a powerful and effective opposition; and, after rejection in the Senate, and being insisted on in the House, a conference was had, the bill being then in the House, and on conference it was determined that an additional half million should be granted for increasing the navy, and three hundred thousand dollars more for equipping fortifications, amounting in all to eight hundred thousand dollars. The Senate's committee returned from the conference, and reported the result to the Senate, who waited to the end of the session in vain to hear from the House of Representatives; but the committee of the House, which had the bill in possession, did not report the result of the conference to the House, and there the bill died.

It is for this, sir, that the Senator from Missouri has taken occasion to frame his unfounded accusation against the Senate for a dereliction of duty little short of treason. It is somewhat inexplicable, after all the estimates for expenditure for the year had been sent in, and more than gratified, that, at almost the last hour of the session, a call should be made upon them for three millions of dollars, without a particle of information to show why or wherefore, without the slightest intimation from the head of the Government, or from any of the executive officers, that the money was wanting or would be useful. And why, he asked again, if the money was really wanting for the public service, was the necessary information not given? Was the source of authority so difficult of access that it could not be got at? Nothing was more easy. The President himself, accompanied by the heads of Departments, was under the same roof with ourselves; he was in an adjoining room in this Capitol all the time; a message might have been procured from him, if it had been his pleasure to have sent it, in five or ten minutes; nay, if you had but opened the door, he might, if he had thought proper, have diffused among us all the light that was necessary for the "important object so much in accordance with executive will;" yet that light was withheld, though so much and so often requested; the information, so easy to be given, was not imparted, that might have ensured the appropriation. And it is for this that we are to be branded by the Senator from Missouri as faithless to our duty, and regardless of the nation's security? Yes, sir, if we could have been beguiled and drawn off under such circumstances, and made unfaithful to our duty, we might have merited the reproach of traitors. [A call to order by the Chair.] Mr. G. proceeded. With our convictions, of constitutional duty, I mean, sir; pardon me, I design no imputation on others. Yes, sir, we should have been justly subject to imputation, if, with our convictions, and under the circumstances we were placed, we had taken a different course. A sense of duty was imperious; with it there was no compromise.

When time was sufficient throughout the whole session to make known every want of the Government, either immediate or contingent, and no call was made but those which were fully supplied; when both Houses of Congress had unanimously concurred in opinion that no further legislative act was necessary in consequence of the state of our relations with France, the only Power with which we had any involvement at the time, it did seem strange that, at the last moments of the session, a requisition should have been made for so unusual an amount of money, without any explanation or message, or information that could lead to an understanding of the sudden cause of the requisition, or any specification of the objects to which it was to be applied. The information was requested, yet it was not given; it was at hand, but we could not reach it; it was under such circumstances we felt that we could not grant away the public money, and we refused to do so.

Mr. BENTON observed that the Senator from Maryland, [Mr. GOLDSBOROUGH,] who had just resumed his seat, and himself, had some words at the last session, which had placed him in a situation, with respect to that gentleman, of the most scrupulous reserve. He believed it to be the instinct of gentlemen, whenever any thing had happened between them of an unpleasant nature, to behave afterwards to each other with the most punctilious and scrupulous politeness. He believed it to be the instinct of gentlemen to feel that, from such a time, they must stand upon a footing towards each other, in which they could no longer give and take. Now, sir, (said Mr. B.,) the Senator from Maryland has repeated what he did at the last session; he has made a premeditated attack on me. He felt (Mr. B. said) no malice, nor any degree of irritation, for what was passed; for if he was quick, he was at least free from malice. The gentleman at that time (Mr. B. said) drew a picture which a thousand persons present believed to be drawn for him; which he (Mr. B.) felt to be drawn for him; and had been informed that the gentleman had then rehearsed the part he was about to perform,[*] the first part, but not the concluding part; for the gentleman denied that his picture was intended for him. From that time to the present, (said Mr. B.,) the gentleman has no right to make a personal allusion to me. If the gentleman chooses to wait a year, and then come forward to settle an account in which he may have a balance against him, it is for him (said Mr. B.) and not for me to do so. I do not treasure up old things, to be brought out afterwards. The gentleman had now made an affirmation contradicting what I have said; but I tell the gentleman (said Mr. B.) that I know his affirmation to contain precisely as much truth now, as I believed that his denial did then.

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[*] When Mr. BENTON said, in his remarks, "he had been informed that the gentleman had then rehearsed the part he was about to perform," Mr. G. responded audibly from his seat, "you have then been misinformed," (or words to that effect.)—*Nat. Intell.*

The CHAIR (occupied *pro tem.* by Mr. KING) said he was not aware that any personal allusion to the Senator from Missouri had been made by the Senator from Maryland, or he should have called him to order. The remarks of the Senator from Missouri were out of order.

Mr. GOLDSBOROUGH rose to speak.

The CHAIR. Order! The Senator from Maryland will not be permitted to proceed.

Mr. GOLDSBOROUGH. Am I not permitted to reply, in order, to that which has been asserted out of order?

The CHAIR. No; the Chair cannot permit another word on the subject from either of the gentlemen.

Mr. PORTER, of Louisiana, said that he could not but feel, in common with every Senator, pain at the excitement which the debate had given rise to. It was, however, in some respects, unavoidable. If grave charges, affecting the patriotism and the obligations of duty which we all owed to the country, fell from such a high place as this, it was not surprising that it excited sensibility and produced warmth. Those who could sit by and listen calmly to such an accusation were not worthy of sitting here at all. If the majority felt jealous of discharging their duty honestly, faithfully, and patriotically, to the republic, they could not but be deeply sensible to imputations which, if true, showed that they had not been patriotic, faithful, or honest. I (said Mr. P.) believe that, on the occasion alluded to, as in all others, the Senate will be found not to have been wanting to the constitution; and, as one generally acting with that majority here, I rejoice that an opportunity is at last afforded us to vindicate our claims to public confidence, and place the true state of this matter fairly before the American people. I feel, sir, quite confident that, although party feeling may for a moment induce them to give an unwilling ear to truth, and party management may for a short period prevent that truth from reaching them, sooner or later it will vindicate its claims to obedience, and undeceive them. A most extraordinary delusion (said Mr. P.) has indeed possessed a portion of the public on this matter, and it was high time it should be removed. The Senator from Missouri, if his remarks were suffered to pass unanswered, would contribute to spread wider and fix deeper that delusion. Claiming as I do (said Mr. P.) full credit for truth and perfect sincerity of purpose, I ascribe no other motive to the honorable Senator. He has, no doubt, presented truly to the Senate those impressions which the transaction he has introduced into his remarks have made on his mind, and I can make full allowance for the influence of feelings which no one, in these heated times, is entirely free from. But while (said Mr. P.) I cheerfully make this admission, I am constrained to tell him that I listened to his observations with the most unfeigned regret. I consider his views radically wrong, and the facts belonging to the transaction erroneously understood, and most incorrectly presented by him to the Senate.

To one part of the honorable Senator's remarks I am glad to give my entire approbation. He told us, nearly toward the close of them, that, in relation to our present dispute with France, he trusted and believed all present appearance of war would fail, and that he meant to alarm no one. Sir, (said Mr. P.,) this is most consolatory, considering the relation in which the honorable Senator is known to stand to the present administration. But, sir, I should have heard these remarks with more unmixed satisfaction (said Mr. P.) if a great many observations which preceded this declaration had not tended, unintentionally no doubt, to produce feelings quite adverse, as I consider, to the conclusion he came to. Notwithstanding, however, the impression which these observations are calculated to make, I take this opportunity (said Mr. P.) to say that I, too, consider there is no just cause to apprehend a war; that I have undiminished and full confidence that the good sense and enlightened views of two of the freest people on earth will yet avert an unprofitable, unnecessary, and most afflicting contest.

The honorable Senator, sir, has read from a French journal, I believe, remarks there stated to have fallen from a member of the Chamber of Deputies, speaking in his place, in that body, in which this country, and its conduct in relation to the present difficulty with France, are spoken of in unkind terms. Sir, I consider this reference wholly unwise, and am unable to see any possible good which can result from bringing it before the American people. It may excite irritation here; it can do nothing more. It neither enlightens our judgment in regard to the true state of feeling in France towards the United States, nor furnishes any fact which should in the slightest degree influence us in any conclusions to which we, as statesmen, might come, or ought to come, on the matter. No doubt (said Mr. P.) there are in France, as there are here, and in every country on earth, men of uneasy temper and irritable feelings—men who delight in strife and confusion, and sicken when they see good-will and peace prevail, either among individuals or nations. Interested motives there, as well as here, may prompt persons to fan the flame of discord, and the fierceness of political opposition may occasion men to urge in debate what in their calm moments they would regret and disavow.

With this knowledge, sir, (said Mr. P.,) how can we draw the conclusion that the sentiments of the individual in question are those of the French people? On what a slender thread would hang the peace and happiness of nations, if every rash and intemperate man in those nations could, by violent denunciation and unjust invective, break the ties of peace which unite them. The individual referred to was but one in a body composed of, I believe, (said Mr. P.,) more than four hundred. There is no pretence for believing that he spoke the sentiments of either the French Government or the French people. I should, sir, if I wished to instruct the American people, if I desired them to know what were the sentiments of France towards this country, I would refer, not to the angry declamation of a member of the Chamber of Deputies, but to the declarations of the King, who represents the people, and who, until the contrary is proved, I am bound to believe, and I do believe, speaks the true sentiments of that people. I have been unable to discover, in any thing which has fallen from him, the slightest ground for believing that he entertains any unkind feeling towards us. Quite the reverse, I trust. He still remembers the generous hospitality with which he, in common with every unfortunate man, is received on the shores of this asylum of mankind, and would regret that the evening of his life was destined to see him placed in a situation where other sentiments and other feelings, under national hostility, might take the place of those he now entertains. It is true, sir, that I have heard his sincerity doubted in regard to the gentle language which he has uniformly practised towards us; but it is obvious that this accusation just applies with the same force to any other person connected with the Government, who uses language of a different kind. Sir, (said Mr. P.,) I desire not to be misunderstood. I do not now enter into the question, whether the conduct of France has been just or wise in relation to this unfortunate matter. Many considerations enter into the examination of that topic, which I shall not touch, because this is not the proper time to discuss them. But when extracts are read here, from the French papers, which have a tendency to show not merely that France has done us wrong by withholding the payment of money which she most justly owes, but that an angry and hostile feeling pervades her people and their councils in regard to us, I desire to disabuse the public mind of such an impression, because my sincere, and therefore honest, conviction is, that no such feeling exists there in relation to the American people.

Another subject (said Mr. P.) which occupied a prominent part of the honorable Senator's speech related to the expected appearance of a French fleet on our coast. The idea was conveyed strongly, by the tenor of the honorable Senator's remarks, that it came here by way of menace, and he emphatically said, we are voting under the guns of France. Agreeing, as I perfectly do, (said Mr. P.,) in the truth of the honorable Senator's declaration, that, since the commencement of this unfortunate misunderstanding with France, he has never said an unkind word on this floor in regard to her, and professing not to doubt the sincerity of his assertion that he had no wish to excite any irritation on this subject, I cannot help remarking that nothing could be imagined more unfortunate for his purpose than the introduction of this topic. If any thing (said Mr. P.) more distinguishes the people of this republic from that of any other country, it is their pride—a pride springing from the combined influence of the recollection of their ancestors, their settlement here, their own history since, and the glorious freedom which they now enjoy.

It is to appeal to them, therefore, on the ground which, of all others, they are the most sensitive, to tell them, or to induce them to believe, that this movement of the French armament was intended to awe or impose on them. Sir, I do not believe (said Mr. P.) that peace could be preserved in this country six months, if its citizens were once imbued with the notion that France, or any other country on earth, imagined that it could influence their judgment through their fears. And I rejoice (said Mr. P.) that it is so. Long may they preserve such a spirit; and may they ever spurn at the idea that any appeal can be made to them by the stranger, except to their reason, their magnanimity, and their sense of justice. But this feeling, which is so honorable, is, at the same time, one which, like all other strong passions, readily leads to error. It should, therefore, never be touched, unless we are perfectly convinced we have a solid reason for doing so. Mr. President, (said Mr. P.,) I do not think any such reasons exist in this case. In the first place, sir, the honorable gentleman did not profess to have any further information as to the direction of that armament than that which is accessible to every member on this floor, namely, that which is derived from the newspapers. Sir, (said Mr. P.,) I have been unable to see any thing in them which gives the slightest countenance to the idea that the French fleet were destined for our coast, unless the West Indies, indeed, make a part of the coast of the United States. All the intelligence which has reached us lately from Europe on this subject distinctly informs us that the naval armament now fitting out in the ports of France is destined, not for our coast, but for the West Indies. It is plainly stated, in every newspaper that I have seen, that its destination is to the French dependencies in that quarter of the globe, to Guadaloupe and Martinique. The order of the Marine Department in France indicates that such a direction is given to it. I think, therefore, sir, the honorable Senator may quiet all his fears on this subject. Certainly nothing can be inferred from its designation, which can justify any alarm—the cruising place assigned to it is not in our seas.

Sir, (said Mr. P.,) I am surprised that it did not occur to the honorable Senator that a rational motive could be found for such a movement of the French marine, at this moment, quite different from that of hostile aggression. It is known to us all, and it is well known to the French Government, that the President of the United States, at the last session of the twenty-third Congress, in his annual message, did specially recommend that reprisals should be resorted to by the United States, in case the Government of France longer delayed to render us that justice which, by her treaty, she should ere this have rendered. And it was equally well known to her that Congress did not negative such a course of action. It merely delayed acting on the recommendation. The unfortunate misconceptions and misunderstandings which have since prevailed between the two countries having induced our representative at Paris to withdraw, the Government of France, no doubt, feared that measures formerly recommended might be at once resorted to by the United States to compel the payment of the sum, and knew that, in that event, her West India possessions were most vulnerable to the blow. It is not, therefore, at all surprising that she should resort to this precautionary measure; that she should endeavor to guard distant possessions against the sudden movements of a country which is, relatively, much nearer to them than she is.

I am happy, however, to be able to give the Senator from Missouri information on the subject which will, I trust, effectually dissipate from his mind, and from any mind in the nation, all apprehension that we are about to sustain any aggression from France. Since I came into the Senate chamber this morning, there has been put into my hands a newspaper, containing an extract from the Moniteur, printed at Paris—a gazette which the honorable Senator knows is the recognised official organ of the French Government. In that paper I delight to see it distinctly averred that France will not be the aggressors in this quarrel; that the armament is purely defensive; and that she entertains strong hopes that amicable relations may yet be preserved between the two countries. In answer to some of the journals in the interest of Charles X., who are anxious to involve this country and France in war, because they hate the institutions which prevail in both, the official organ of the Government thus indignantly states:

"It is false that the communication made by order of the French Government to that of the United States had for its object to obtain the insertion of such and such phrases in the next message of the President. The French Government did no more than make known officially the existence and the tenor of the law of June 17, 1835, as well as the duties imposed on it by this law, and the nature of the explanations which it had a right to expect.

"It is false that the communication made by order of the French Government remained without an answer. This was verbal, as had been the communication.

"Of the same kind were those which took place at Paris between the Minister of Foreign Affairs and the chargé de affaires of the United States. The documents relative to these conferences will be laid on the tables of the two Chambers. If it has been impossible to come to an understanding, nothing has passed, at least, of a nature to render more grave the differences between the two countries.

"Nevertheless, the recall of the American chargé de affaires, coming after the measures proposed by the President last year to Congress, hostile to French property, has rendered some precautions necessary. It was the duty of the French Government, under such circumstances, to be prepared, at all events, to protect French interests. Such is the aim of the armaments equipping in our ports—an aim purely defensive. There exists, at this moment, no legitimate cause of war between France and the United States, and in no case shall the aggression come in the first instance from France."

Sir, I rejoice to see this. It is conformable to what we have a right to expect, and to the position of that country in this unfortunate dispute. If she entertained for one moment the idea of war, because we were complaining of the injuries we sustained by the long-delayed payment of a just debt, I should say that she had effaced all claim to our respect and our regard. And yet, sir, (said Mr. P.,) even in the bitterness which such a conduct would not fail to engender, there would be times, and those not unfrequent, when each party would feel that their position was not a natural one. Old friendship and old sympathies would, in spite of all the passions war excites, rise in their breasts. Neither could he forget those days, nor those associations, when the gallant nobles of France and the intrepid freemen of the new world battled side by side, on the same field, for the same cause.

They could not, if they would, obliterate the remembrance of the time when their risk was common, their exertions common, and their glory common; each, I should think, (said Mr. P.,) would look with anxiety to the day when they could lay down those weapons which each can well wield, and embrace once more as friends.

I enter not (said Mr. P.) into the question whether, dear as these recollections must be, they may not be sacrificed to the sterner claims which each may suppose they owe to their country. And I express no opinion how near or how distant we are now to that sacrifice. All I wish to enforce is, that questions of this kind cannot be examined too calmly, and that every thing which is irritating, and extraneous, and collateral to the main question, should be studiously put aside from our consideration. War! (said Mr. P.,) with the fearful passions it excites, the crimes it produces, the enduring miseries it inflicts, is a sad affair, and those on whom the responsibility of making it rests cannot be too cautious. Any one who compares Europe for the last twenty years with the twenty years which preceded them, and sees how vastly the balance in the sum of human happiness preponderates in favor of the period first mentioned, may take lessons on this head in the best of all schools--that of experience.

But, sir, (said Mr. P.,) though I have thought it necessary to say something in reply to the observations of the honorable Senator on the points which I have just noticed, still had this been all which fell from the honorable Senator, I should not have mingled in this debate. But, sir, the honorable Senator thought proper to say that the failure to put the country in a state of defence against foreign aggression was owing to the conduct of the Senate last winter in refusing to concur in the proposition of the House of Representatives, to put the sum of three millions into the hands of the Executive. Never in my life, sir, did I hear any thing which gave me more surprise. I shall examine, before I sit down, on what foundation that assertion rests. But before I do, I must refer to another assertion of the honorable Senator, which startled me still more. He said that this was not all; that there was a much larger account for which we were responsible: that all the specific appropriations contained in the fortification bill were lost by the conduct of the Senate; and he proceeded to enumerate them, including, among others, a proposition of the Military Committee to apply the sum of $500,000 to the defence of the country. The honorable Senator from Delaware [Mr. CLAYTON] having satisfactorily shown that the measure originated with him, and was abandoned under circumstances which take away all ground for imputing its failure to become a law to any action of the Senate, the Senator from Missouri has, as I understand him, given up that part of the accusation. If he will bestow some of his attention on me, (said Mr. P.,) I think I will satisfy him that he will be compelled to surrender all the rest.

And first, sir, before we proceed to the point, (said Mr. P.,) I wish the issue which I now make with the honorable Senator to be clearly understood. I undertake, then, to say that it was not the fault of the Senate that the fortifications of the country were not last year put in defence. I assert distinctly that every thing which patriotism could suggest, under their views of duty, was done by them to get the fortification bill passed. I say that it was not lost in the Senate. I assert that it was passed there, and returned to the House for its action; and I say it was lost in the House of Representatives; lost by the conduct of that body, without precedent in the history of this Government.

The doings and misdoings (said Mr. P.) of the 23d Congress are now as much matter of history as the affairs of Greece and Rome are. Still it is my desire to speak of a Legislature of which I formed a part with all the respect and gentleness which is consistent with a frank exposition of truth. With this feeling, sir, I proceed to disclose to the American people the extraordinary circumstances which prevented the passage of the fortification bill.

So far, sir, (said Mr. P.,) from the Senate having refused or neglected to pass all the specific appropriations which were presented to it by the House of Representatives, for the use of the fortifications, they not only passed them, but they passed them with amendments, by which large additions were made to these appropriations. Sir, (said Mr. P.,) I do not wish to fatigue the Senate with going through all the items which compose the amendments made by the Senate; it would be too tedious to do so. I now speak for the bill itself, as it passed this body. It is at this moment under my eye. And I learn from it that the bill which reached the Senate on the 7th day of February, from the House of Representatives, appropriated only the sum of $439,000 to this portion of the national defence. What, sir, was the conduct of this body, which is now charged with neglecting the defence of the country? Why, sir, to approve of the appropriation made in it; and, after consultation with the heads of Departments, send it to the House of Representatives seven days before the adjournment. What, sir, was the conduct of that body, which it appears was, according to the honorable Senator, so much alive to the true interests and honor of the country? Why, sir, this: to keep it nearly the whole of these seven days without action, and to return it to us seven hours before the termination of Congress, with an amendment placing three millions of dollars at the disposal of the Executive!

Sir, (said Mr. P.,) the Senate found itself placed, by this extraordinary step on the part of the House, in a position at once singular and difficult. The unusual course adopted would, if any other sentiment but that of respect for a co-ordinate branch of the Government could have found place in our minds, have suggested the suspicion that the late period at which such a measure was introduced, and the annexing to it the fortification bill, which the wants of the country required action on, was intended to coerce them into a vote in favor of it, or to enable those opposed to the majority here to charge them with neglecting the true interests of the country. Little time was left us, sir, for consultation; there was none to obtain information to guide our conduct. We asked each other, why was this sent at so late a period? What change has occurred in our foreign relations which demands it? Does the President recommend it? To what means of defence is it to be applied? If this measure is so all-important now for the national protection, why have the three months which have elapsed since our meeting passed without any intimation of its necessity? And if we had that information, are there not insuperable objections to passing it without the specific objects to which the money can be applied being designated? No answer could be given to the questions; and, sir, we did, as I trust every American Senate will hereafter do, placed in similar circumstances. We rejected the amendment. What followed? (said Mr. PORTER.) Did our conduct show that, in the rejection of this enormous and unprecedented appropriation of the people's money, we were actuated by any desire o place the country in an unprotected attitude? No, r, on conference with the House, through the respective committees, we agreed to vote eight hundred thousand dollars more, for the purposes of defence, three hundred thousand dollars of which was to be applied to the arming the fortifications of the United States, and five hundred thousand dollars for the repair and equipment of their ships.

Sir, it is thus seen that the Senate agreed to appropriate one million six hundred and fifty-nine thousand dollars to the defence of the country. How, then, Mr. President, with the semblance of justice, can it be said that we left the nation in a defenceless position? And, sir, (said Mr. P.,) I ask why, if national protection was the sole object in this amendment of three millions, why was the sum of more than one million and a half refused? I say the refusal is utterly irreconcilable with the purposes which the amendment professed to have in view. Sir, said Mr. P., I have never heard any thing like a satisfactory answer to this question. It is said, indeed, it was too late. To that I say, said Mr. P., if it was too late, whose is the blame? Not ours, certainly. Was it the fault of the Senate that this extraordinary, and, I repeat it, unprecedented amendment was made at so late an hour? No, sir, it was the act of the House of Representatives. On us certainly rests the responsibility of rejecting the vote of three millions, to be used as the President pleased. I am glad that it does. I am proud, said Mr. P., that I am one of those who did so. But I repeat it, on whom rests the responsibility of tacking this amendment to the regular appropriation bill at so late an hour, and thereby defeating it? I say again, sir, on the House of Representatives; and I appeal to every candid man in the nation, if the facts do not bear me out in the position I have taken; and I make, said Mr. P., the same appeal, whether there is any, or the slightest, foundation to charge the Senate with having been the cause why the country is now in a defenceless position.

I have considered, said Mr. P., this matter as if the fact was really that the lateness of the hour prevented action on the part of the House. I took no note of the hour, Mr. President, but members who did recollect there was ample time before, under any construction of the constitution, Congress had terminated, to act on the report of the committee of conference. It is certain that other and important matters were transacted in both Houses after the committees had reported. But, sir, no report was made to the House of Representatives. Why was it not made? I leave to every man to make the conjecture. It is not for me to say; the American people will judge.

I have finished, Mr. President. My object in addressing the Senate was, first, to place the transactions of the last session of Congress in relation to this matter in their true light, and I have given the facts as I understand them; my other object was, to remove as far as I could all irritating considerations from that serious question which we may soon be called to act on. I take the opportunity to say, however, that whenever the crisis, in my judgment, arrives, when the strongest measures are necessary to vindicate the national honor, I shall be found behind no man here to support them; and that if (which God avert) war is determined on, I shall, whether it be adopted in pursuance of my judgment or not, give it a zealous and faithful support; but I consider it a great calamity, come when it may. I am anxious to avert it, and I think the maxim of the great poet true in regard to nations as well as individuals:

> "Beware
> Of entrance to a quarrel, but, being in,
> Bear it so that the opposed may be in fear of thee."

Mr. WEBSTER next addressed the Chair. It is not my purpose, Mr. President, (said Mr. W.,) to make any remarks on the state of our affairs with France. The time for that discussion has not come, and I wait. We are in daily expectation of a communication from the President, which will give us light; and we are authorized to expect a recommendation by him of such measures as he thinks it may be necessary and proper for Congress to adopt. I do not anticipate him. I do not forerun him. In this most important and delicate business it is the proper duty of the Executive to go forward, and I, for one, do not intend either to be drawn or driven into the lead. When official information shall be before us, and when measures shall be recommended upon the proper responsibility, I shall endeavor to form the best judgment I can, and shall act according to its dictates.

I rise, now, for another purpose. This resolution has drawn on a debate upon the general conduct of the Senate during the last session of Congress, and especially in regard to the proposed grant of the three millions to the President on the last night of the session. My main object is to tell the story of this transaction, and to exhibit the conduct of the Senate fairly to the public view. I owe this duty to the Senate. I owe it to the committee with which I am connected; and although whatever is personal to an individual is generally of too little importance to be made the subject of much remark, I hope I may be permitted, in a matter in regard to which there has been so much misrepresentation, to say a few words for the sake of defending my own reputation.

This vote for the three millions was proposed by the House of Representatives as an amendment to the fortification bill; and the loss of that bill, three millions and all, is the charge which has been made upon the Senate, sounded over all the land, and now again renewed. I propose to give the true history of this bill, its origin, its progress, and its loss.

Before attempting that, however, let me remark, for it is worthy to be remarked and remembered, that the business brought before the Senate last session, important and various as it was, and both public and private, was all gone through, with most uncommon despatch and promptitude. No session has witnessed a more complete clearing off and finishing of the subjects before us. The communications from the other House, whether bills or whatever else, were especially attended to in proper season, and with that ready respect which is due from one House to the other. I recollect nothing of any importance which came to us from the House of Representatives, which was here neglected, overlooked, or disregarded.

On the other hand, it was the misfortune of the Senate, and, as I think, the misfortune of the country, that, owing to the state of business in the House of Representatives towards the close of the session, several measures which had been matured in the Senate, and passed into bills, did not receive attention, so as to be either agreed to or rejected in the other branch of the Legislature. They fell, of course, by the termination of the session.

Among these measures may be mentioned the following, viz:

The Post Office reform bill, which passed the Senate unanimously, and of the necessity for which the whole country is certainly now most abundantly satisfied;

The custom-house regulations bills, which also passed nearly unanimously, after a very laborious preparation by the Committee on Commerce, and a full discussion in the Senate;

The judiciary bill, passed here by a majority of thirty-one to five, and which has again already passed the Senate at this session with only a single dissenting vote;

The bill indemnifying claimants for French spoliations before 1800;

The bill regulating the deposite of the public moneys in the deposite banks;

The bill respecting the tenure of certain offices, and the power of removal from office; which has now again passed to be engrossed, in the Senate, by a decisive majority.

All these important measures, matured and passed in the Senate in the course of the session, and many others whose importance was less, were sent to the House of Representatives, and we never heard any thing more from them. They there found their graves.

It is worthy of being remarked, also, that the attendance of members of the Senate was remarkably full, particularly toward the end of the session. On the last day every Senator was in his place till very near the hour of adjournment, as the journal will show. We had no breaking up for want of a quorum, no delay, no calls of the Senate; nothing which was made necessary by the negligence or inattention of the members of this body. On the vote for the three millions of dollars, which was taken at about eight o'clock in the evening, forty-eight votes were given, every member of the Senate being in his place and answering to his name. This is an instance of punctuality, diligence, and labor, continued to the very end of an arduous session, wholly without example or parallel.

The Senate, then, sir, must stand, in the judgment of every man, fully acquitted of all remissness, all negligence, all inattention, amidst the fatigue and exhaustion of the closing hours of Congress. Nothing passed unheeded, nothing was overlooked, nothing forgotten, and nothing slighted.

And now, sir, I would proceed immediately to give the history of the fortification bill, if it were not necessary, as introductory to that history, and as showing the circumstances under which the Senate was called on to transact the public business, first to refer to another bill which was before us, and to the proceedings which were had upon it.

It is well known, sir, that the annual appropriation bills always originate in the House of Representatives. This is so much the course that no one ever looks to see such a bill first brought forward in the Senate. It is also well known, sir, that it has been usual, heretofore, to make the annual appropriations for the Military Academy at West Point in the general bill which provides for the pay and support of the army. But last year, the army bill did not contain any appropriation whatever for the support of West Point. I took notice of this singular omission when the bill was before the Senate, but presumed, and indeed understood, that the House would send us a separate bill for the Military Academy. The army bill, therefore, passed; but no bill for the Academy at West Point appeared. We waited for it from day to day, and from week to week, but waited in vain. At length, the time for sending bills from one House to the other, according to the joint rules of the two Houses, expired; and no bill had made its appearance for the support of the Military Academy. These joint rules, as is well known, are sometimes suspended on the application of one House to the other, in favor of particular bills, whose progress has been unexpectedly delayed, but which the public interest requires to be passed. But the House of Representatives sent us no request to suspend the rules in favor of a bill for the support of the Military Academy, nor made any other proposition to save the institution from immediate dissolution. Notwithstanding all the talk about a war, and the necessity of a vote for the three millions, the Military Academy, an institution cherished so long, and at so much expense, was on the very point of being entirely broken up.

Now it so happened, sir, that at this time there was another appropriation bill which had come from the House of Representatives, and was before the Committee on Finance here. This bill was entitled "an act making appropriations for the civil and diplomatic expenses of the Government for the year 1835."

In this state of things, several members of the House of Representatives applied to the committee, and besought us to save the academy by annexing the necessary appropriations for its support to the bill for civil and diplomatic service. We spoke to them, in reply, of the unfitness, the irregularity, the incongruity, of this forced union of such dissimilar subjects; but they told us it was a case of absolute necessity, and that, without resorting to this mode, the appropriation could not get through. We acquiesced, sir, in these suggestions. We went out of our way. We agreed to do an extraordinary and irregular thing, in order to save the public business from miscarriage. By direction of the committee, I moved the Senate to add an appropriation for the Military Academy to the bill for defraying civil and diplomatic expenses. The bill was so amended; and in this form the appropriation was finally made.

But this was not all. This bill for the civil and diplomatic service being thus amended, by tacking the Military Academy upon it, was sent back by us to the House of Representatives, where its length of tail was to be still much further increased. That House had before it several subjects for provision, and for appropriation, upon which it had not passed any bill, before the time for passing bills to be sent to the Senate had elapsed. It was anxious that these things should, in some way, be provided for; and when the diplomatic bill came back, drawing the Military Academy after it, it was thought prudent to attach to it various of these other provisions. There were propositions to pave streets in the city of Washington, to repair the Capitol, and various other things, which it was necessary to provide for; and they, therefore, were put into the same bill by way of amendment to an amendment; that is to say, Mr. President, we had been prevailed on to amend their bill for defraying the salary of our ministers abroad, by adding an appropriation for the Military Academy; and they proposed to amend this our amendment, by adding to it matter as german to it as it was to the original bill. There was also the President's gardener. His salary was unprovided for, and there was no way of remedying this important omission but by giving him place in the diplomatic service bill, among chargés d'affaires, envoys extraordinary, and ministers plenipotentiary. In and among these ranks, therefore, he was formally introduced by the amendment of the House, and there he now stands, as you will readily see by turning to the law. Sir, I have not the pleasure to know this useful person; but, should I see him some morning, overlooking the workmen in the lawns, walks, copses, and parterres, which adorn the grounds around the President's residence, considering the company into which we have introduced him, I should expect to see at least a small diplomatic button on his working-jacket.

When these amendments came from the House, and were read at our table, though they caused a smile, they were yet adopted, and the law passed, almost with the rapidity of a comet, and with something like the same length of tail.

Now, sir, not one of these irregularities or incongruities, no part of this jumbling together of distinct and different subjects was, in the slightest degree, occasioned by any thing done, or omitted to be done, on the part of the Senate. Their proceedings were all regular, their decision prompt, their despatch of the public business correct and seasonable. There was nothing of disorganization, nothing of procrastination, nothing evincive of a temper to embarrass or obstruct the public business. If the history which I have now truly given shows that one thing was amended by another which had no sort of connexion with it, that unusual expedients were resorted to, and that the laws, instead of arrangement and symmetry, exhibit anomaly, confusion, and the most grotesque associations, it is nevertheless true that no part of all this was made necessary by us. We deviated from the accustomed modes of legislation only when we were supplicated to do so, in order to supply bald and glaring deficiencies in measures which were before us.

But now, Mr. President, let me come to the fortification bill, the lost bill, which not only now, but on a graver occasion, has been lamented like the lost Pleiad.

This bill, sir, came from the House of Representatives to the Senate, in the usual way, and was referred to the Committee on Finance. Its appropriations were not large. Indeed, they appeared to the committee to be quite too small. It struck a majority of the committee, at once, that there were several fortifications on the coast either not provided for at all, or not adequately provided for by this bill. The whole amount of its appropriations was $400,000 or $430,000. It contained no grant of three millions, and if the Senate had passed it, the very day it came from the House, not only would there have been no appropriation of the three millions, but, sir, none of those other sums which the Senate did insert in the bill. Others, besides ourselves, saw the deficiencies of this bill. We had communications with and from the Departments, and we inserted in the bill every thing which any Department recommended to us. We took care to await the proper period, to be sure that nothing else was coming; and we then reported the bill to the Senate with our proposed amendments. Among these amendments, there was a sum of $75,000 for Castle Island, in Boston harbor, $100,000 for defences in Maryland, &c. These amendments were agreed to by the Senate, and one or two others added, on the motion of members; and the bill, being thus amended, was returned to the House.

And now, sir, it becomes important to ask when was this bill, thus amended, returned to the House of Representatives? Was it unduly detained here, so that the House was obliged afterwards to act upon it suddenly? This question is material to be asked, and material to be answered, too, and the journal does satisfactorily answer it; for it appears by the journal that the bill was returned to the House of Representatives on Tuesday, the 24th of February, one whole week before the close of the session. And from Tuesday, the 24th of February, to Tuesday, the 3d of March, we heard not one word from this bill. Tuesday, the 3d of March, was, of course, the last day of the session. We assembled here at 10 or 11 o'clock in the morning of that day, and sat until three in the afternoon, and still we were not informed whether the House had finally passed the bill. As it was an important matter, and belonging to that part of the public business which usually receives particular attention from the Committee on Finance, I bore the subject in my mind, and felt some solicitude about it, seeing that the session was drawing so near to a close. I took it for granted, however, as I had not heard any thing to the contrary, that the amendments of the Senate would not be objected to, and that when a convenient time should arrive for taking up the bill in the House, it would be passed at once into a law, and we should hear no more about it. Not the slightest intimation was given, either that the Executive wished for any larger appropriation, or that it was intended in the House to insert such larger appropriation. Not a syllable escaped from any body and came to our knowledge, that any further alteration whatever was intended in the bill.

At three o'clock in the afternoon of the 3d of March the Senate took its recess, as is usual in that period of the session, until five. At five we again assembled, and proceeded with the business of the Senate until eight o'clock in the evening; and, at eight o'clock in the evening, and not before, the Clerk of the House appeared at our door, and announced that the House of Representatives had disagreed to one of the Senate's amendments, agreed to others, and to two of those amendments, viz: the fourth and fifth, it had agreed, with an amendment of its own.

Now, sir, these fourth and fifth amendments of ours were—one a vote of $75,000 for the castle in Boston harbor, and the other a vote of $100,000 for certain defences in Maryland. And what, sir, was the addition which the House of Representatives proposed to make, by way of "amendment," to a vote of $75,000 for repairing the works in Boston harbor? Here, sir, it is:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided*, Such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

This proposition, sir, was thus unexpectedly and suddenly put to us, at eight o'clock in the evening of the last day of the session. Unusual, unprecedented, extraordinary, as it obviously is, on the face of it, the manner of presenting it was still more extraordinary. The President had asked for no such grant of money; no Department had recommended it; no estimate had suggested it; no reason whatever was given for it. No emergency had happened, and nothing new had occurred; every thing known to the administration at that hour, respecting our foreign relations, had certainly been known to it for days and for weeks before.

With what propriety, then, could the Senate be called on to sanction a proceeding so entirely irregular and anomalous? Sir, I recollect the occurrences of the moment very well, and I remember the impression which this vote of the House seemed to make all around the Senate. We had just come out of executive session; the doors were but just opened; and I hardly remember whether there was a single spectator in the hall or the galleries. I had been been at the Clerk's table, and had not reached my seat when the message was read. All the Senators were in the chamber. I heard the message certainly with great surprise and astonishment; and I immediately moved the Senate to disagree to this vote of the House. My relation to the subject, in consequence of my connexion with the Committee on Finance, made it my duty to propose some course, and I had not a moment's doubt or hesitation what that course ought to be. I took upon myself, then, sir, the responsibility of moving that the Senate should disagree to this vote, and I now acknowledge that responsibility.

It might be presumptuous to say that I took a leading part, but I certainly took an early part, a decided part, and an earnest part, in rejecting this broad grant of three millions of dollars, without limitation of purpose or specification of object; called for by no recommendation, founded on no estimate, made necessary by no state of things which was made known to us. Certainly, sir, I took a part in its rejection; and I stand here, in my place in the Senate, to-day, ready to defend the part so taken by me; or rather, sir, I disclaim all defence, and all occasion of defence, and I assert it as meritorious to have been among those who arrested, at the earliest moment, this extraordinary departure from all settled usage, and, as I think, from plain constitutional injunction—this indefinite voting of a vast sum of money to mere executive discretion, without limit assigned, without object specified, without reason given, and without the least control under heaven.

Sir, I am told that, in opposing this grant, I spoke with warmth, and I suppose I may have done so. If I did, it was a warmth springing from as honest a conviction of duty as ever influenced a public man. It was spontaneous, unaffected, sincere. There had been among us, sir, no consultation, no concert. There could have been none. Between the reading of the message and my motion to disagree there was not time enough for any two members of the Senate to exchange five words on the subject. The proposition was sudden and perfectly unexpected. I resisted it, as irregular, as dangerous in itself, and dangerous in its precedent, as wholly unnecessary, and as violating the plain intention, if not the express words, of the constitution. Before the Senate I then avowed, and before the country I now avow, my part in this opposition. Whatsoever is to fall on those who sanctioned it, of that let me have my full share.

The Senate, sir, rejected this grant by a vote of twenty-nine against nineteen. Those twenty-nine names are on the journal; and whensoever the expunging process may commence, or how far soever it may be carried, I pray it, in mercy, not to erase mine from that record. I beseech it, in its sparing goodness, to leave me that proof of attachment to duty and to principle. It may draw around it, over it, or through it, black lines, or red lines, or any lines; it may mark it in any way which either the most prostrate and fantastical spirit of man-worship, or the most ingenious and elaborate study of self-degradation may devise, if only it will leave it so that those who inherit my blood, or who may hereafter care for my reputation, shall be able to behold it where it now stands.

The House, sir, insisted on this amendment. The Senate adhered to its disagreement. The House asked a conference, to which request the Senate immediately acceded. The committees of conference met, and, in a short time, came to an agreement. They agreed to recommend to their respective Houses, as a substitute for the vote proposed by the House, the following:

"As an additional appropriation for arming the fortifications of the United States, three hundred thousand dollars."

"As an additional appropriation for the repair and equipment of ships of war of the United States, five hundred thousand dollars."

I immediately reported this agreement of the committees of conference to the Senate; but, inasmuch as the bill was in the House of Representatives, the Senate could not act further on the matter until the House should first have considered the report of the committees, decided thereon, and sent us the bill. I did not myself take any note of the particular hour of this part of the transaction. The honorable member from Virginia [Mr. LEIGH] says he consulted his watch at the time, and he knows that I had come from the conference, and was in my seat, at a quarter past eleven. I have no reason to think that he is under any mistake in this particular. He says it so happened that he had occasion to take notice of the hour, and well remembers it. It could not well have been later than this, as any one will be satisfied who will look at our journals, public and executive, and see what a mass of business was despatched after I came from the committees, and before the adjournment of the Senate. Having made the report, sir, I had no doubt that both Houses would concur in the result of the conference, and looked every moment for the officer of the House bringing the bill. He did not come, however, and I pretty soon learned that there was doubt whether the committee on the part of the House would report to the House the agreement of the conferees. At first I did not at all credit this; but it was confirmed by one communication after another, until I was obliged to think it true. Seeing that the bill was thus in danger of being lost, and intending, at any rate, that no blame should justly attach to the Senate, I immediately moved the following resolution:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

You recollect this resolution, sir, having, as I well remember, taken some part on the occasion.[*]

This resolution was promptly passed; the Secretary carried it to the House, and delivered it. What was done in the House on the receipt of this message now appears from the printed journal. I have no wish to comment on the proceedings there recorded—all may read them, and each be able to form his own opinion. Suffice it to say, that the House of Representatives, having then possession of the bill, chose to retain that possession, and never acted on the report of the committee. The bill, therefore, was lost. It was lost in the House of Representatives. It died there, and there its remains are to be found. No opportunity was given to the members of the House to decide whether they would agree to the report of the two committees or not. From a quarter past eleven, when the report was agreed to by the committees, until two or three o'clock in the morning, the House remained in session. If at any time there was not a quorum of members present, the attendance of a quorum, we are to presume, might have been commanded, as there was undoubtedly a great majority of the members still in the city.

But now, sir, there is one other transaction of the evening which I feel bound to state, because I think it quite important, on several accounts, that it should be known.

A nomination was pending before the Senate for a judge of the Supreme Court. In the course of the sitting that nomination was called up, and, on motion, was indefinitely postponed. In other words, it was rejected; for an indefinite postponement is a rejection. The office, of course, remained vacant, and the nomination of another person to fill it became necessary. The President of the United States was then in the Capitol, as is usual on the evening of the last day of the session, in the chamber assigned to him, and with the heads of Departments around him. When nominations are rejected under these circumstances, it has been usual for the President immediately to transmit a new nomination to the Senate; otherwise the office must remain vacant till the next session, as the vacancy in such case has not happened in the recess of Congress. The vote of the Senate, indefinitely postponing this nomination, was carried to the President's room by the Secretary of the Senate. The President told the Secretary that it was more than an hour past twelve o'clock, and that he could receive no further communications from the Senate, and immediately after, as I have understood, left the Capitol. The Secretary brought back the paper containing the certified copy of the vote of the Senate, and endorsed thereon the substance of the President's answer; and also added that, according to his own watch, it was a quarter past one o'clock.

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[*] Mr. KING, of Alabama, was in the chair.

There are two views, sir, in which this occurrence may well deserve to be noticed. One is, a connexion which it may perhaps have with the loss of the fortification bill; the other is its general importance, as introducing a new rule, or a new practice, respecting the intercourse between the President and the Houses of Congress, on the last day of the session.

On the first point I shall only observe that the fact of the President's having declined to receive this communication from the Senate, and of his having left the Capitol, was immediately known in the House of Representatives; that it was quite obvious that if he could not receive a communication from the Senate, neither could he receive a bill from the House of Representatives for his signature. It was equally obvious that if, under these circumstances, the House of Representatives should agree to the report of the committees of conference, so that the bill should pass, it must nevertheless fail to become a law, for want of the President's signature; and that, in that case, the blame of losing the bill, on whomsoever else it might fall, could not be laid upon the Senate.

On the more general point I must say, sir, that this decision of the President, not to hold communication with the Houses of Congress after 12 o'clock on the 3d of March, is quite new. No such objection has ever been made before, by any President. No one of them has ever declined communicating with either House at any time during the continuance of its session on that day. All Presidents, heretofore, have left it with the Houses themselves to fix their hour of adjournment, and to bring their session, for the day, to a close whenever they saw fit.

It is notorious, in point of fact, that nothing is more common than for both Houses to sit later than 12 o'clock, for the purpose of completing measures which are in the last stages of their progress. Amendments are proposed and agreed to, bills passed, enrolled bills signed by the presiding officers, and other important legislative acts performed, often at two or three o'clock in the morning. All this is very well known to gentlemen who have been for any considerable time members of Congress. And all Presidents have signed bills, and have also made nominations to the Senate, without objection as to time, whenever bills have been presented for signature, or whenever it became necessary to make nominations to the Senate, at any time during the session of the respective Houses for that day.

And all this, sir, I suppose to be perfectly right, correct, and legal. There is no clause of the constitution, nor is there any law, which declares that the term of office of members of the House of Representatives shall expire at 12 o'clock at night on the 3d of March. They are to hold for two years, but the precise hour for the commencement of that term of two years is nowhere fixed by constitutional or legal provision. It has been established by usage and by inference, and very properly established, that, since the first Congress commenced its existence on the first Wednesday in March, 1789, which happened to be the 4th day of that month, therefore the 4th of March is the day of the commencement of each successive term; but no hour is fixed by law or practice. The true rule is, as I think, most undoubtedly, that the session holden on the last day constitutes the last day, for all legislative and legal purposes. While the session commenced on that day continues, the day itself continues, according to the established practice both of legislative and judicial bodies. This could not well be otherwise. If the precise moment of actual time were to settle such a matter, it would be material to ask, who shall settle the time? Shall it be done by public authority, or shall every man observe the tick of his own watch? If absolute time is to furnish a precise rule, the excess of a minute, it is obvious, would be as fatal as the excess of an hour. Sir, no bodies, judicial or legislative, have ever been so hypercritical, so astute to no purpose, so much more nice than wise, as to govern themselves by any such ideas. The session for the day, at whatever hour it commences, or at whatever hour it breaks up, is the legislative day. Every thing has reference to the commencement of that diurnal session. For instance, this is the 14th day of January; we assembled here to-day at 12 o'clock; our journal is dated January 14th, and if we should remain here until five o'clock to-morrow morning, (and the Senate has sometimes sat so late,) our proceedings would still all bear date of the 14th of January; they would be so stated upon the journal, and the journal is a record, and is a conclusive record, so far as respects the proceedings of the body.

It is so in judicial proceedings. If a man were on trial for his life, at a late hour on the last day allowed by law for the holding of the court, and the jury acquitted him, but happened to remain so long in deliberation that they did not bring in their verdict till after 12 o'clock, is it all to be held for naught, and the man to be tried over again? Are all verdicts, judgments, and orders of courts, null and void if made after midnight on the day which the law prescribes as the last day? It would be easy to show by authority, if authority could be wanted for a thing the reason of which is so clear, that the day lasts while the daily session lasts. When the court or the legislative body adjourns for that day, the day is over, and not before.

I am told, indeed, sir, that it is true that, on this same 3d day of March last, not only were other things transacted, but that the bill for the repair of the Cumberland road, an important and much-litigated measure, actually received the signature of our presiding officer after 12 o'clock, was then sent to the President, and signed by him. I do not affirm this, because I took no notice of the time, or do not remember it if I did; but I have heard the matter so stated.

I see no reason, sir, for the introduction of this new practice; no principle on which it can be justified, no necessity for it, no propriety in it. As yet, it has been applied only to the President's intercourse with the Senate. Certainly it is equally applicable to his intercourse with both Houses in legislative matters; and if it is to prevail hereafter, it is of much importance that it should be known.

The President of the United States, sir, has alluded to this loss of the fortification bill in his message at the opening of the session, and he has alluded, also, in the same message, to the rejection of the vote of the three millions. On the first point, that is, the loss of the whole bill, and the cause of that loss, this is his language:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the national Legislature at the last session, but was lost in the other."

If the President intended to say that the bill, having originated in the House of Representatives, passed the

Senate, and was yet afterwards lost in the House of Representatives, he was entirely correct. But he has been altogether wrongly informed, if he intended to state that the bill, having passed the House, was lost in the Senate. As I have already stated, the bill was lost in the House of Representatives. It drew its last breath there. That House never let go its hold on it, after the report of the committees of conference. But it held it, it retained it, and, of course, it died in its possession when the House adjourned. It is to be regretted that the President should have been misinformed in a matter of this kind, when the slightest reference to the journals of the two Houses would have exhibited the correct history of the transaction.

I recur again, Mr. President, to the proposed grant of the three millions, for the purpose of stating, somewhat more distinctly, the true grounds of objection to that grant.

These grounds of objection were two: the first was, that no such appropriation had been recommended by the President, or any of the Departments. And what made this ground the stronger was, that the proposed grant was defended, so far as it was defended at all, upon an alleged necessity, growing out of our foreign relations. The foreign relations of the country are intrusted by the constitution to the lead and management of the executive government. The President not only is supposed to be, but usually is, much better informed on these interesting subjects than the Houses of Congress. If there be danger of rupture with a foreign State, he sees it soonest. All our ministers and agents abroad are but so many eyes, and ears, and organs, to communicate to him whatsoever occurs in foreign places, and to keep him well advised of all which may concern the interests of the United States. There is an especial propriety, therefore, that, in this branch of the public service, Congress should always be able to avail itself of the distinct opinions and recommendations of the President. The two Houses, and especially the House of Representatives, are the natural guardians of the people's money. They are to keep it sacred, and to use it discreetly. They are not at liberty to spend it where it is not needed, nor to offer it for any purpose till a reasonable occasion for the expenditure be shown. Now, in this case, I repeat again, the President had sent us no recommendation for any such appropriation; no Department had requested it; no estimate had contained it; in the whole history of the session, from the morning of the first day down to eight o'clock in the evening of the last day, not one syllable had been said to us, not one hint suggested, showing that the President deemed any such measure either necessary or proper. I state this strongly, sir, but I state it truly; I state the matter as it is; and I wish to draw the attention of the Senate and of the country strongly to this part of the case. I say, again, therefore, that when this vote for the three millions was proposed to the Senate, there was nothing before us showing that the President recommended any such appropriation. You very well know, sir, that this objection was immediately stated as soon as the message from the House was read. We all well remember that it was the very point put forth by the honorable member from Tennessee [Mr. WHITE] as being, if I may say so, the butt-end of his argument in opposition to the vote. He said, very significantly, and very forcibly, "It is not asked for by those who best knew what the public service requires: how, then, are we to presume that it is needed?" This question, sir, was not answered then; it never has been answered since; it never can be answered satisfactorily.

But let me here again, sir, recur to the message of the President. Speaking of the loss of the bill, he uses these words:

"This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season."

Taking these words of the message, sir, and connecting them with the fact that the President had made no recommendation to Congress of any such appropriation, it strikes me they furnish matter for very grave reflection. The President says that this proposed appropriation was "in accordance with the views of the Executive;" that it was "in aid of an important object;" and that "some portions of it might have been most usefully applied during the past season."

And now, sir, I ask, if this be so, why was not this appropriation recommended to Congress by the President? I ask this question, in the name of the constitution of the United States; I stand on its own clear authority in asking it; and I invite all those who remember its injunctions, and who mean to respect them, to consider well how the question is to be answered.

Sir, the constitution is not yet an entire dead letter. There is yet some form of observance to its requirements; and even while any degree of formal respect is paid to it, I must be permitted to continue the question, why was not this appropriation recommended? It was in accordance with the President's views; it was for an important object; it might have been usefully expended. The President being of opinion, therefore, that the appropriation was necessary and proper, how is it that it was not recommended to Congress? For, sir, we all know the plain and direct words in which the very first duty of the President is imposed by the constitution. Here they are:

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

After enumerating the powers of the President, this is the first, the very first duty, which the constitution gravely enjoins upon him. And now, sir, in no language of taunt or reproach, in no language of party attack, in terms of no asperity or exaggeration, but called up by the necessity of defending my own vote upon the subject, I now, as a public man, as a member of Congress here in my place, and as a citizen who feels as warm an attachment to the constitution of the country as any other can, demand of any who may choose to give it, an answer to this question: "Why was not this measure, which the President declares that he thought necessary and expedient, recommended to Congress?" And why am I, and why are other members of Congress, whose path of duty, the constitution says, shall be enlightened by the President's opinions and communications, to be charged with want of patriotism and want of fidelity to the country, because we refused an appropriation which the President, though it was in accordance with his views, and though he believed it important, would not, and did not, recommend to us? When these questions are answered, sir, to the satisfaction of intelligent and impartial men, then, and not till then, let reproach, let censure, let suspicion of any kind, rest on the twenty-nine names which stand opposed to this appropriation.

How, sir, were we to know that this appropriation "was in accordance with the views of the Executive?" He had not so told us, formally or informally. He had not only not recommended it to Congress, or either House of Congress, but nobody on this floor had undertaken to speak in his behalf. No man got up to say, "The President desires this; he thinks it necessary, expedient, and proper." But, sir, if any gentleman had risen to say this, it would not have answered the requisition of the constitution. Not at all. It is not a hint, an intimation, the suggestion of a friend, by which the executive duty in this respect is to be fulfilled. By no means. The President is to make a recommendation, a public recommendation, an official recommendation, a responsible recommendation; not to one House, but to both Houses; it is to be a recommendation to Congress. If, on receiving such recommendation, Congress fail to pay it proper respect, the fault is theirs. If, deeming the measure necessary and expedient, the President fail to recommend it, the fault is his; clearly, distinctly, and exclusively his. This, sir, is the constitution of the United States, or else I do not understand the constitution of the United States. Does not every man see how perfectly unconstitutional it is that the President should communicate his opinions or wishes to Congress on such grave and important subjects, otherwise than by a direct and responsible recommendation; a public and open recommendation, equally addressed and equally known to all whose duty calls upon them to act on the subject? What would be the state of things if he might communicate his wishes or opinions privately to members of one House, and make no such communication to members of the other? Would not the two Houses be necessarily put in immediate collision? Would they stand on equal footing? Would they have equal information? What could ensue from such a manner of conducting the public business but quarrel, confusion, and conflict? A member rises in the House of Representatives, and moves a very large appropriation of money for military purposes. If he says he does it upon executive recommendation, where is his voucher? The President is not like the British King, whose ministers and secretaries are in the House of Commons, and who are authorized, in certain cases, to express the opinions and wishes of their sovereign. We have no King's servants; at least we have none known to the constitution. Congress can know the opinions of the President only as he officially communicates them. It would be a curious inquiry in either House, when a large appropriation is moved, if it were necessary to ask whether the mover represented the President, spoke his sentiments, or, in other words, whether what he proposed were "in accordance with the views of the Executive?" How could that be judged of? By the party he belongs to? Party is not quite unique enough for that. By the airs he gives himself? Many might assume airs, if thereby they could give themselves such importance as to be esteemed authentic expositors of the executive will. Or is this will to be circulated in whispers? made known to meetings of party men? intimated through the press? or communicated in any other form, which still leaves the Executive completely irresponsible? So that while executive purposes or wishes pervade the ranks of party friends, influence their conduct, and unite their efforts, the open, direct, and constitutional responsibility is wholly avoided. Sir, this is not the constitution of the United States, nor can it be consistent with any constitution which professes to maintain separate departments in the Government.

Here, then, sir, is abundant ground, in my judgment, for the vote of the Senate, and here I might rest it. But there is also another ground. The constitution declares that no money shall be drawn from the treasury but in consequence of appropriations made by law. What is meant by "appropriations?" Does this language not mean that particular sums shall be assigned, by law, to particular objects? How far this pointing out and fixing the particular objects shall be carried, is a question that cannot be settled by any precise rule. But "specific appropriation," that is to say, the designation of every object for which money is voted, as far as such designation is practicable, has been thought to be a most important republican principle. In times past, popular parties have claimed great merit from professing to carry this doctrine much farther, and to adhere to it much more strictly, than their adversaries. Mr. Jefferson, especially, was a great advocate for it, and held it to be indispensable to a safe and economical administration and disbursement of the public revenues.

But what have the friends and admirers of Mr. Jefferson to say to this appropriation. Where do they find, in this proposed grant of three millions, designation of object, and particular and specific application of money? Have they forgotten, all forgotten, and wholly abandoned, even all pretence for specific appropriation? If not, how could they sanction such a vote as this? Let me recall its terms. They are, that "the sum of three millions of dollars be, and the same hereby is, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and to increase the navy: provided such expenditure shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

In the first place it is to be observed, that whether the money shall be used at all or not, is made to depend on the discretion of the President. This is sufficiently liberal. It carries confidence far enough. But, if there had been no other objections, if the objects of the appropriation had been sufficiently described, so that the President, if he expended the money at all, must have expended it for purposes authorized by the Legislature, and nothing had been left to his discretion but the question, whether an emergency had arisen in which the authority ought to be exercised, I might not have felt bound to reject the vote. There are some precedents which might favor such a contingent provision, though the practice is dangerous, and ought not to be followed except in cases of clear necessity.

But the insurmountable objection to the proposed grant was, that it specified no objects. It was as general as language could make it. It embraced every expenditure that could be called either military or naval. It was to include "fortifications, ordnance, and increase of the navy;" but it was not confined to these. It embraced the whole general subject of military service. Under the authority of such a law, the President might repair ships, build ships, buy ships, enlist seamen, and do any thing and every thing else touching the naval service, without restraint or control.

He might repair such fortifications as he saw fit, and neglect the rest; arm such as he saw fit, and neglect the arming of others; or build new fortifications wherever he chose. And yet these unlimited powers over the fortifications and the navy constitute, by no means, the most dangerous part of the proposed authority; because, under that authority, his power to raise and employ land forces was equally absolute and uncontrolled. He might levy troops, imbody a new army, call out the militia in numbers to suit his own discretion, and employ them as he saw fit.

Now, sir, does our legislation, under our constitution, furnish any precedent for all this?

We make appropriations for the army, and we understand what we are doing, because it is "the army," that is to say, the army established by law. We make appropriations for the navy; they, too, are for "the navy," as provided for and established by law. We make appropriations for fortifications, but we say what fortifications, and we assign to each its intended amount of the whole sum. This is the usual course of Congress on such subjects; and why should it be departed from? Are we ready to say that the power of fixing the places for new fortifications, and the sum allotted to each; the power of ordering new ships to be built, and fixing the number of such new ships; the power of laying out money to raise men for the army; in short, every power, great and small, respecting the military and naval service, shall be vested in the President, without specification of object or purpose, to the entire exclusion of the exercise of all judgment on the part of Congress? For one, I am not prepared. The honorable member from Ohio, near me, has said that if the enemy had been on our shores he would not have agreed to this vote. And I say, if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, I would not agree to it.

The people of this country have an interest, a property, an inheritance, in this instrument, against the value of which forty capitols do not weigh the twentieth part of one poor scruple. There can never be any necessity for such proceedings but a feigned and false necessity, a mere idle and hollow pretence of necessity; least of all can it be said that any such necessity actually existed on the 3d of March. There was no enemy on our shores; there were no guns pointed against the Capitol; we were in no war, nor was there a reasonable probability that we should have war, unless we made it ourselves.

But whatever was the state of our foreign relations, is it not preposterous to say that it was necessary for Congress to adopt this measure, and yet not necessary for the President to recommend it? Why should we thus run in advance of all our own duties, and leave the President completely shielded from his own just responsibility? Why should there be nothing but grant, and trust, and confidence, on our side, and nothing but discretion and power on his?

Sir, if there be any philosophy in history, if human blood still runs in human veins, if man still conforms to the identity of his nature, the institutions which secure constitutional liberty can never stand long against this excessive personal confidence, against this devotion to men, in utter disregard both of principle and of experience, which seems to me to be strongly characteristic of our times. This vote came to us, sir, from the popular branch of the Legislature; and that such a vote should come from such a branch of the Legislature was among the circumstances which excited in me the greatest surprise and the deepest concern. Certainly, sir, certainly, I was not, on that account, the more inclined to concur. It was no argument with me that others seemed to be rushing, with such heedless, headlong trust, such impetuosity of confidence, into the arms of executive power. I held back the stronger, and would hold back the longer, for that very reason. I see, or think I see, it is either a true vision of the future, revealed by the history of the past, or, if it be an illusion, it is an illusion which appears to me in all the brightness and sunlight of broad noon, that it is in this career of personal confidence, along this beaten track of man-worship, marked, every furlong, by the fragments of other free Governments, that our own system is making progress towards its end. A personal popularity, honorably earned, at first, by military achievements, and sustained now by party, by patronage, and by an enthusiasm which looks for no ill, because it means no ill itself, seems to render men willing to gratify power, long before its demands are made, and to surfeit executive discretion, even in anticipation of its own appetite. Sir, if, on the 3d of March last, it had been the purpose of both Houses of Congress to create a military dictator, what formula had been better suited to their purpose than this vote of the House? It is true we might have given more money if we had had it to give. We might have emptied the treasury; but as to the form of the gift we could not have bettered it. Rome has no better models. When we give our money for any military purpose whatever, what remains to be done? If we leave it with one man to decide not only whether the military means of the country shall be used at all, but how they shall be used, and to what extent they shall be employed, what remains either for Congress or the people but to sit still and see how this dictatorial power will be exercised? On the 3d of March, sir, I had not forgotten—it was impossible that I should have forgotten—the recommendation in the message at the opening of that session, that power should be vested in the President to issue letters of marque and reprisal against France, at his discretion, in the recess of Congress. Happily this power was not granted. But suppose it had been, what would then have been the true condition of this Government? Why, sir, this condition is very shortly described. The whole war power would have been in the hands of the President; for no man can doubt a moment that reprisals would bring on immediate war; and the treasury, to the amount of this vote, in addition to all ordinary appropriations, would have been at his absolute disposal also. And all this in time of peace. I beseech sober men, sir, of all parties, I beseech all true lovers of constitutional liberty, to contemplate this state of things, and tell me whether such be a true republican administration of this Government. Whether particular consequences had ensued or not, is such an accumulation of power in the hands of the Executive according to the spirit of our system? Is it either wise or safe? Has it any warrant in the practice of former times? Or are gentlemen ready to establish the practice as an example for the benefit of those who are to come after us?

But, sir, if the power to make reprisals, and this money from the treasury, had both been granted, is there not great reason to believe that we should have been now up to our ears in a hot war? I think there is great reason to believe this. It will be said, I know, that if we had armed the President with this power of war, and supplied him with this grant of money, France would have taken this for such a proof of spirit on our part that she would have paid the indemnity without further delay. This is the old story, and the old plea. Every one who desires more power than the constitution or the laws give him, always says, that if he had more power, he could do more good. Power is always claimed for the good of the people; and dictators are always made, when made at all, for the good of the people. For my part, sir, I was content, and am content, to show to France that we are prepared to maintain our just rights against her, by the exertion of our power, when need be, according to the forms of our own constitution; that, if we make war, we will make it constitutionally; and if we vote money, we will appropriate it constitutionally; and that we will trust all our interests, both in peace and in war, to what the intelligence and strength of the country may do for them, without breaking down or endangering the fabric of free institutions.

Mr. President, it is the misfortune of the Senate to have differed with the President on many great questions during the last four or five years. I have regretted this state of things deeply, both on personal and on public account; but it has been unavoidable. It is no pleasant employment, it is no holiday business, to maintain opposition against power and against majorities, and to contend for stern and sturdy principle, against personal popularity, against a rushing and overwhelming confidence, that, by wave upon wave, and cataract after cataract, seems to be bearing away and destroying whatsoever would withstand it. How much longer we may be able to support this opposition in any degree, or whether we can possibly hold out till the public intelligence and the public patriotism shall be awakened to a due sense of the public danger, it is not for me to foresee or to foretell. I shall not despair to the last, if, in the mean time, we be true to our own principles. If there be a steadfast adherence to those principles, both here and elsewhere, if, one and all, they continue the rule of our conduct in the Senate, and the rallying point of those who think with us and support us out of the Senate, I am content to hope on, and to struggle on. While it remains a contest for the preservation of the constitution, for the security of the public liberty, for the ascendency of principle over men, I am willing to bear my part in it. If we can maintain the constitution, if we can preserve this security for liberty, if we can thus give to true principle its just superiority over party, over persons, over names, our labors will be richly rewarded. If we fail in all this, they are already among the living, who will write the history of this Government, from its commencement to its close.

When Mr. WEBSTER had concluded,

Mr. CUTHBERT observed that, after the expulsion of the Tarquins, the kingly power was abolished at Rome. The great dread at Rome was the dread of the kingly name, from which the Romans thought the greatest danger to the republic was to be apprehended. The danger to Rome, however, was not in the kingly name; for, so odious had the name become, that, in the very worst days of the republic, it could never have been revived. Here was the error committed by the gentleman from Massachusetts—the dread of the kingly power, from which no danger could be apprehended in this Government. It was the patrician class—a moneyed aristocracy—a combination of their political leaders, seeking to establish an aristocratic Government, regardless of the welfare of the people, that was more to be dreaded than the power of any single man. There was the situation under which they were placed in that House. The administration was daily subject to the most violent attacks from these political leaders, who were men of established character, of intellectual acquirements, and acknowledged standing in society; yet the course of these leaders was not to be impugned, lest (said Mr. C.) we infringe the rules of order.

Here Mr. C. yielded the floor to a motion for adjournment.

And the Senate adjourned to Monday.

MONDAY, JANUARY 18.

UNITED STATES AND FRANCE.

The following message was received from the President of the United States, by Mr. DONELSON, his secretary.

To the Senate and House of Representatives:

Gentlemen: In my message at the opening of your session I informed you that our chargé d'affaires at Paris had been instructed to ask for the final determination of the French Government, in relation to the payment of the indemnification secured by the treaty of the 4th of July, 1831, and that when advices of the result should be received it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from one to thirteen, inclusive, containing, among other things, the correspondence on this subject between our chargé d'affaires and the French Minister of Foreign Affairs, from which it will be seen that France requires, as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all the branches of her Government to be due, that certain explanations shall be made, of which she dictates the terms. These terms are such as that Government has already been officially informed cannot be complied with; and, if persisted in, they must be considered as a deliberate refusal on the part of France to fulfil engagements binding by the laws of nations, and held sacred by the whole civilized world. The nature of the act which France requires from this Government is clearly set forth in the letter of the French minister, marked No. 4. "We will pay the money," says he, "when the Government of the United States is ready, on its part, to declare to us, by addressing its claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France;" and he adds, "if the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error." In the letter marked No. 6, the French minister also remarks, "that the Government of the United States knows that upon itself depends henceforward the execution of the treaty of July 4, 1831."

Obliged, by the precise language thus used by the French minister, to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded that, on considering the correspondence now submitted to you, you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our Government shall be persisted in. This pretension is rendered the more unreasonable by the fact that the substance of the required explanation has been repeatedly and voluntarily given, before it was insisted on as a condition—a condition the more humiliating, because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice? She has already had it, frankly and explicitly given by our minister accredited to her Government, his act ratified by me, and my confirmation of it officially communicated by him, in his letter to the French Minister of Foreign Affairs of the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their executive Government, forbid it.

As the answer of the French minister to our chargé d'affaires at Paris contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the Secretary of State, relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the Executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that, on the return of our minister to the United States, I caused my official approval of the explanations he had given to the French Minister of Foreign Affairs to be made public. As the French Government had noticed the message without its being officially communicated, it was not doubted that, if they were disposed to pay the money due to us, they would notice any public explanation of the Government of the United States in the same way. But, contrary to these well-founded expectations, the French ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and to do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government, in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French chargé d'affaires in Washington, who desired to read to him a letter he had received from the French Minister of Foreign Affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter, and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6, herewith transmitted. It was an attempt to make known to the Government of the United States, privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were, in their substance, wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the Executive or the Legislature; and the Secretary of State did not think proper to ask a copy, because he could have no use for it. Copies of papers, marked Nos. 9, 10, and 11, show an attempt on the part of the French chargé d'affaires, many weeks afterwards, to place a copy of this paper among the archives of this Government, which, for obvious reasons, was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French chargé d'affaires, that the object was to bring the letter before Congress and the American people. If foreign agents, on a subject of disagreement between their Government and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the Executive as the passive organ of their communications. It is due to the character of our institutions that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and that, in all cases of importance, the communications received or made by the Executive should assume the accustomed official form. It is only by insisting on this form that foreign Powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the Legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions; and, on the other, to subject this portion of his acts to public scrutiny, and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as, in addition to other important interests, it very intimately concerned the national honor; a matter, in my judgment, much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French Minister of Foreign Affairs was read to the Secretary of State on the 11th of September last. This was the first authentic indication of the specific views of the French Government received by the Government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French Government, on receiving that information in the same manner the alleged offending message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination, and the ground they intended to occupy, the instructions were given to our chargé d'affaires which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France, with a distinct intimation that this is a *sine qua non*.

Mr. Barton having, in pursuance of his instructions, returned to the United States, and the chargé d'affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended—a state of things originating in an unreasonable susceptibility on the part of the French Government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative action should be brought to sustain executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity, and of a mutually beneficial commerce, she cannot justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies I have heretofore had occasion to speak; and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period, France, by all the departments of her Government, has acknowledged the validity of our claims and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that, until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former, in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the Government of France shall render us the justice that is due; and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our chargé d'affaires is attended with public notices of naval preparations on the part of

France, destined for our seas. Of the cause and intent of these armaments I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparations on our part, and I therefore strongly urge large and speedy appropriations for the increase of the navy, and the completion of our coast defences.

If this array of military force be really designed to affect the action of the Government and people of the United States on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands can never be accorded; and no armament, however powerful and imposing, at a distance, or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, to our national character, and to the world.

The House of Representatives, at the close of the last session of Congress, unanimously resolved that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interests and honor, that this resolution should, at all hazards, be adhered to. If, after so signal an example as that given by the American people during their long-protracted difficulties with France, of forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification which, after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at nought the obligation it imposes, the United States will not be the only sufferers. The efforts of humanity and religion to substitute the appeals of justice and the arbitrament of reason for the coercive measures usually resorted to by injured nations will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves, and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our Government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement.

ANDREW JACKSON.

WASHINGTON, *January* 15, 1836.

The following message was also received from the President of the United States:

To the Senate of the United States:

In compliance with the resolution of the Senate of the 12th instant, I transmit a report of the Secretary of State, with the papers therein referred to, which, with those accompanying the special message this day sent to Congress, are believed to contain all the information requested. The papers relative to the letter of the late minister of France have been added to those called for, that the subject may be fully understood.

ANDREW JACKSON.

WASHINGTON, *January* 18, 1836.

DEPARTMENT OF STATE,
Washington, January 13, 1836.

To the President of the United States:

The Secretary of State has the honor to lay before President a copy of a report made to him in June last, and of a letter addressed to this Department by the late minister of the Government of France, with the correspondence connected with that communication, which, together with a late correspondence between the Secretary of State and the French chargé d'affaires, and a recent correspondence between the chargé d'affaires of the United States at Paris and the Duke de Broglie, already transmitted to the President to be communicated to Congress with his special message relative thereto, are the only papers in the Department of State supposed to be called for by the resolutions of the Senate of the 12th instant.

It will be seen by the correspondence with the chargé d'affaires of France, that a despatch to him from the Duke de Broglie was read to the Secretary, at the Department, in September last. It concluded with an authority to permit a copy to be taken if it was desired. That despatch being an argumentative answer to the last letter of Mr. Livingston to the French Government, and in affirmance of the right of France to expect explanations of the message of the President, which France had been distinctly and timely informed could not be given without a disregard by the Chief Magistrate of his constitutional obligations, no desire was expressed to obtain a copy: it being obviously improper to receive an argument in a form which admitted of no reply, and necessarily unavailing to inquire how much or how little would satisfy France, when her right to any such explanation had been, beforehand, so distinctly and formally denied.

All which is respectfully submitted.

JOHN FORSYTH.

The above messages and documents having been read,

Mr. CLAY moved that the message, with the accompanying documents, be referred to the Committee on Foreign Relations. Whereupon,

Mr. BUCHANAN said that he had been so much gratified with the message which had just been read that he could not, and he thought he ought not, at this the very first moment, to refrain from expressing his entire approbation of its general tone and spirit. He had watched with intense anxiety the progress of our unfortunate controversy with France. He had hoped, sincerely hoped, that the explanations which had been made by Mr. Livingston, and officially approved by the President of the United States, would have proved satisfactory to the French Government. In this he had found his hopes to be vain. After this effort had failed, he felt a degree of confidence, almost amounting to moral assurance, that the last message to Congress would have been hailed by France, as it was by the American people, as the olive branch which would have restored amity and good understanding between us and our ancient ally. Even in this, he feared he was again doomed to be disappointed. The Government of France, unless they change their determination, will not consider this message as sufficient. We have the terms clearly prescribed by the Duke de Broglie, upon which, and upon which alone, the French Government will consent to comply with the treaty, and to pay the five millions of dollars to our injured fellow-citizens. Speculation is now at an end. The clouds and darkness which have hung over this question have vanished. It is now made clear as a sunbeam. The money will not be paid, says the organ of the French Government, unless the Government of the United States shall address its claim officially in writing to France, accompanied by what appeared to him, and he believed would appear to the whole American people, without distinction of party, to be a degrading apology. The striking peculiarity of the case, the one which he would undertake to say distinguished it from any other case which had arisen in modern times, in the intercourse between independent nations, was, that the very terms of this apology were dictated to the American Government by the French Secretary for Foreign Affairs. One of these terms was, that it had never entered into the intention, (*pensee,*) the thought, of this Government, to call in question the good faith of the Government of France.

But the French Government proceed still further. Upon the refusal to make this apology, which they ought to have known would never be made—could never be made—they are not content to leave the question where it then was. They have given us notice in advance that they will consider our refusal to make this degrading apology an evidence that the misunderstanding did not proceed on our part from mere error and mistake.

In addition to all this, the last note of the Duke de Broglie to Mr. Barton declares that the Government of the United States knows that henceforward the execution of the treaty must depend upon itself. They thus leave us to decide whether we shall make the apology in the prescribed terms, or abandon our claim to the fulfilment of the treaty.

He would not allow himself to express the feelings which were excited in his mind upon hearing these letters of the Duke de Broglie read. Most sincerely, most ardently, did he hope that the French Government, when this message reached them, if not before, might reconsider their determination, and that all our difficulties might yet pass away. But their language is now clear, specific, incapable of ambiguity or doubt. It would, then, become our duty calmly, but firmly, to take such a stand as the interests and the honor of the country may require.

Mr. B. had already said much more than he intended when he rose. He would, however, make another remark before he took his seat. He felt a proper degree of confidence, he might add a great degree of confidence, in the President of the United States. He knew him to be honest and firm, and faithful to his country; prompt to resent its injuries and avenge its wrongs. He confessed he had anticipated a message of a stronger character. He had supposed that a general non-intercourse with France would, at least, have been recommended. But the recommendation was confined to the mere refusal to admit French ships or French productions to enter our ports. It left France free to receive her supplies of cotton from the United States, without which the manufacturers of that country could not exist. This was wise; it was prudent. It left to France to judge for herself, if this unnatural contest must still continue, whether she would close her ports against our vessels and our productions.

In the spring of 1832, (Mr. B. did not recollect precisely the time,) Congress passed an act to carry into effect our part of the treaty. Under this treaty, the wines of France had ever since been admitted into the United States upon the favorable terms therein stipulated. Her silks were imported free of duty, in contradistinction to those which came from beyond the Cape of Good Hope. She had for years been enjoying these privileges. Nothing milder, then, could possibly be recommended than to withdraw these advantages from her, and to exclude her vessels and her productions from our ports.

When Mr. Buchanan had concluded,

Mr. CALHOUN rose and said:

I rise (said Mr. C.) with feelings entirely different from those of the Senator from Pennsylvania. He said he never listened to any message with greater satisfaction than the present. That which has excited such agreeable sensations in his breast, I have heard with the most profound regret. Never did I listen to a document with more melancholy feelings, with a single exception, the war message from the same quarter a few years since, against one of the sovereign members of this confederacy.

I arrived here (said Mr. C.) at the beginning of the session, with a strong conviction that there would be no war. I saw, indeed, many unfavorable and hostile indications; but I thought the cause of difference between the two nations was too trivial to terminate so disastrously. I could not believe that two great and enlightened nations, blessed with constitutional Governments, and between whom so many endearing recollections existed to bind together in mutual sympathy and kindness, would, at this advanced stage of civilization, plunge into war for a cause so frivolous. With this impression, notwithstanding all I saw and heard, I still believed peace would be preserved; but the message, and the speech of the Senator from Pennsylvania, have dispelled the delusion. I will not undertake to pronounce with certainty that war is intended, but I will say that, if the recommendations of the President be adopted, it will be almost inevitable.

I fear (said Mr. C.) that the condition in which the country is now placed has been the result of a deliberate and systematic policy. I am bound to speak my sentiments freely. It is due to my constituents and the country to act with perfect candor and truth on a question in which their interest is so deeply involved. I will not assert that the Executive has deliberately aimed at war from the commencement; but I will say that, from the beginning of the controversy to the present moment, the course which the President has pursued is precisely the one calculated to terminate in a conflict between the two nations. It has been in his power, at every period, to give the controversy a direction by which the peace of the country might be preserved, without the least sacrifice of reputation or honor; but he has preferred the opposite. I feel (said Mr. C.) how painful it is to make these declarations; how unpleasant it is to occupy a position which might, by any possibility, be construed in opposition to our country's cause; but, in my conception, the honor and the interests of the country can only be maintained by pursuing the course that truth and justice may dictate. Acting under this impression, I do not hesitate to assert, after a careful examination of the documents connected with this unhappy controversy, that, if war must come, we are the authors—we are the responsible party. Standing, as I fear we do, on the eve of a conflict, it would to me have been a source of pride and pleasure to make an opposite declaration; but that sacred regard to truth and justice, which, I trust, will ever be my guide under the most difficult circumstances, would not permit.

I cannot (said Mr. C.) but call back to my recollection the position which I occupied twenty-four years since, as a member of the other House. We were then, as I fear we are now, on the eve of a war with a great and powerful nation. My voice then was raised for war, because I then believed that justice, honor, and necessity, demanded it. It is now raised for peace, because I am under the most solemn conviction that, by going to war, we would sacrifice justice, honor, and interest. The same motive which then impelled to war now impels to peace.

I have not (said Mr. C.) made this assertion lightly. It is the result of mature and deliberate reflection. It is not my intention to enter into a minute examination of that unhappy train of events which has brought the country to its present situation; but I will briefly touch on a few prominent points, beginning with that most unfortunate negotiation, which seems destined to terminate so disastrously for the country.

From the accession of the present King, his ministry avowed itself favorable to the settlement of our claims. It could scarcely be otherwise. The King had just been raised to the throne, under a revolution originating in popular impulses, which could not but dispose him favorably towards us. Lafayette at the time possessed much power and influence, and had greatly contributed to elevate Louis Philippe to his present station. His feelings were known to be decidedly favorable to us. But with all this favorable inclination, the ministry were fearful of concluding a treaty. They dreaded the Chambers; they knew how odious all treaties of indemnity were to the entire French nation, and how difficult it would be to bring the Chambers to agree to make an appropriation to carry a treaty of indemnity into effect, even with our country. With these impressions, they frankly stated to Mr. Rives, our minister, that the difficulty was not with them, but with the Chambers; that if a treaty were made, it could not be carried into effect without a vote of appropriation from the Chambers; and it was very doubtful whether such a vote could be obtained. These declarations were not made once or twice; they were repeated again and again, throughout every stage of the negotiation, and never more emphatically than in the very last, just before the conclusion of the treaty.

The President of the Council, M. Perrier, in a conversation with Mr. Rives, at that late period, stated that there would be no difficulty in arranging the question, were it not that he feared opposition on the part of the Chambers, which might place the relation between the two countries in a more dangerous state, by refusing to make the appropriation. How prophetic! as if he had foreseen what has since come to pass. I do not profess to give his words; I did not anticipate the discussion, and have not come prepared with documents; but what I state is substantially what he said. With this apprehension, he asked our minister to wait the short period of two months, for the meeting of the Chambers, that they might be consulted before the conclusion of the treaty, in order to avoid the possibility of the embarrassment which has since occurred, and which has so dangerously embroiled the relations of the two countries. Mr. Rives objected, and the treaty was concluded.*

Now, I submit (said Mr. C.) to every man of integrity and honor, whether we, in accepting the treaty after these repeated declarations, did not accept it subject to the condition which they implied; that is, whether, in point of fact, the stipulation of the French Executive ought not to be fairly construed, with these declarations

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* Extract of a part of the correspondence between Mr. Rives and the French minister during the negotiation, taken from the report of the Committee on Foreign Relations during the last session:

It appears, from a despatch of Mr. Rives to the Secretary of State, under date the 18th of September, 1830, at his first interview with the French Secretary of Foreign Affairs, after the revolution which placed the present King of France on the throne, that this French minister said that he thought that the principle of indemnity would be admitted, but that the amount of the claims was a very complex question, depending on a great variety of considerations, and requiring minute and detailed examination; "that he believed our claims would encounter much less opposition with the Government (meaning the King and his ministers) than with the Chambers; that he had thought of an organization of a commission to examine the subject, consisting of members of both Chambers, as the best means of preparing those bodies for an ultimate decision; and he should submit the proposition at an early day to the council." In a subsequent despatch of Mr. Rives, of the 9th November, 1830, he says, "the dispositions of the King, as well with regard to this subject (the American claims) as to the general relations between the two countries, are every thing we could desire. The difficulty exists in the extreme reluctance of the nation to pay any more indemnities, and the necessity which the Government feels itself under of consulting the representatives of the nation, and of securing their approbation to any arrangement which may be ultimately concluded. The commission, of the formation of which I have already apprized you, has grown entirely out of this feeling."

On the occasion of an audience with the King, Mr. Rives, in his despatch of the 18th January, 1831, says that the King, in replying to his remarks, "reiterated the sentiments he had heretofore expressed to me, and referred to the measures he had taken, with a view to bring the differences between the two countries to a conclusion." * * * * "The King proceeded to say that, since the reading of the President's message, he had 'remonstrated' against all unnecessary delays in the prosecution of the business, and assured me that every thing should be done, on his part, to bring it to the earliest termination, notwithstanding the disastrous state of their finances."

The commission appointed to examine our claims made their report. The majority of four, rejecting our claims growing out of the Berlin and Milan decrees, as well as the Rambouillet and other special decrees, estimated the sum to which they supposed the United States to be fairly entitled, according to Mr. Rives, at between ten and fifteen millions of francs, and the minority of two, admitting the claims rejected by their colleagues, at thirty millions. In an interview between the French Minister of Foreign Affairs and Mr. Rives, described in his despatch of the 28th April, 1831, the minister "spoke of the intrinsic difficulty of all money questions in a representative Government, increased in the present instance by the almost unanimous report of the commission." In another interview with the President of the Council of Ministers, described in the same despatch of Mr. Rives, M. Perrier said: "He felt all the importance of cultivating good relations with the United States, and that he was sincerely desirous of adjusting this ancient controversy; but that their finances, as I saw, were exceedingly deranged, and that there would be great difficulty in reconciling the Chamber of Deputies to an additional charge on the enfeebled resources of the State, for claims, too, which had not arisen from any wrong done by the present Government of France." In the same despatch Mr. Rives reports: "The King expressed, as he has always done, very cordial sentiments for the United States; said he had frequently called the attention of his ministers to the necessity of settling our reclamations; that they had always objected the embarrassed state of the finances, but he hoped they would yet find the means of doing justice."

In a despatch of Mr. Rives, of the 7th of May, 1831, communicating the offer of twenty millions of francs, in full satisfaction of our claims, and his declining to accept it, he states the French minister to have replied, "that the offer he had just made was one of extreme liberality; that it would subject the ministers to a severe responsibility before the Chambers; that he had been already warned, from various quarters, that he would be held to a strict account for his settlement of this affair." In the same despatch Mr. Rives details a conversation which he had had with the President of the Council, respecting the amount of our claims, in which he said "that it was particularly hard that the burden of their adjustment should now fall upon the existing Government, in the present crippled state of its resources, and when all its expenses were upon a war footing; and made at the formation of the treaty, to amount simply to an engagement to use his best endeavors to obtain the assent of the Chambers to the appropriation. Such would certainly be the understanding, in a similar case, between honorable and conscientious individuals; and such, I apprehend, will be the opinion hereafter, when passions shall have subsided, of every impartial inquirer after truth.

The question (said Mr. C.) is now presented, has the French Executive complied with his promise? Has he honorably, faithfully, and earnestly, endeavored to obtain the assent of the Chambers? To these questions I shall not reply. I leave the answer to our Executive and to our ministers. They have explicitly and honorably acquitted the French Executive on this important point.

But (said Mr. C.) let us turn to the conduct of our own Executive in relation to this important part of the controversy. If the implied obligation on the part of the French Executive was such as I suppose, there was a corresponding one on the part of ours, to interpose no obstacle in obtaining the assent of the Chamber. How stands the fact? Mr. Rives, in communicating to our Executive the result of the negotiation, boasted of his skill, and the advantage which he had acquired over the French negotiators. I pass him by. It was, perhaps, natural for him to boast. What does the Executive do? With a full knowledge of all the facts, forewarned of the difficulty which the French ministry would have to encounter in the Chambers, he publishes to the world this boastful communication, which produced a sensation in France such as might have been expected, which increased in the same proportion the difficulty of obtaining the assent of the Chambers to the appropriation. The next step increased the difficulty. Knowing, as he did, that the appropriations depended upon the Chamber, the then Secretary of the Treasury, without waiting for its action, drew a bill for the payment of the first instalment before the appropriation was made, and before, of course, it could possibly be paid. A protest necessarily followed, accompanied with much irritation on both sides.

With these obstacles, created by our own acts, the treaty was submitted to the Chambers. Every effort was made to obtain the appropriation. The minister displayed uncommon zeal and ability in defence of the treaty, but in vain, under these multiplied difficulties. The bill was rejected by a majority of eight votes; a number so small, in so large a body, that it may be fairly presumed, without any violence, that, had not Mr. Rives's letter been published, and the draft drawn before the appropriation was made, the majority would have been on the other side, and all the unhappy train of consequences which have since followed would have been prevented. So earnest were the French ministry in their efforts to carry the bill, that their defeat dissolved the administration.

With these facts before us, who can doubt where the responsibility rests? We had thrown the impediments in the way—we who had been so urgent to obtain the treaty, and we who were to profit by its execution. It matters not, in the view in which I am considering the question, to what motives the acts of our Executive may be attributed; whether to design or thoughtlessness, it cannot shift the responsibility.

Let us now (said Mr. C.) proceed to the next stage of this most unfortunate affair.

I pass over the intervening period; I come to the opening of the next session of Congress. In what manner does the President, in his message at the opening of the session, notice the failure of the French Chambers to make the appropriation? Knowing, as he must, how much the acts to which I have referred had contributed to the defeat of the bill, and that his administration was responsible for those acts, it was natural to expect that he would have noticed the fate of the bill in the calmest and most gentle manner; that he would have done full justice to the zeal and fidelity of the French Executive in its endeavors to obtain its passage, and would have thrown himself with confidence on the justice and the honor of the French nation for the fulfilment of the treaty. In a word, that he would have done all in his power to strengthen the executive Government in France in their future efforts to obtain the appropriation, and carefully avoid every thing that might interpose additional obstacles. Instead of taking this calm and considerate course, so well calculated to secure the fulfilment of the treaty, and so befitting the dignity and justice of our Government, he sends a message to Congress, couched in the strongest terms, and recommending that he should be invested with authority to issue letters of marque and reprisal in the event of the appropriation not being made—a measure, if not tantamount to war, leading to it by almost a necessary consequence. The message was received in France with the deep feeling of irritation which might have been expected; and under this feeling, with all the impediments which it was calculated to create, the bill to carry the treaty into effect had the second time to make its appearance in the Chambers. They were surmounted. The bill passed; but not without a condition—a condition which causes the present difficulty.

I deeply regret (said Mr. C.) the condition. In my opinion the honor of France did not require it; and the only vindication that can be offered for the ministry in accepting it, is the necessity of the case—that it was in-

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that it was certainly not the interest of either country to make an arrangement which the legislative authority here might refuse to carry into execution."

In another despatch of Mr. Rives, of the 29th of May, 1831, he relates a conversation in an interview with the President of the Council. That minister, Mr. Rives states, "then said that, but for the Chambers, there would be less difficulty in arranging this question, but that he apprehended a very serious opposition to it on their part, which might even more seriously embroil the relations of the two countries, by refusing to carry into execution any arrangement which should be made." He added, "that two months sooner or later could not be of much importance in the settlement of this question, and asked me if there would be any objection to adjourning its decision till the meeting of the Chambers, when the ministers could have an opportunity of consulting some of the leading men of the two Houses." This postponement was objected to by Mr. Rives, and was not insisted upon."

During the progress of the negotiation the principle of indemnity was early conceded. The French minister first offered fifteen millions of francs. Mr. Rives demanded forty. The French minister advanced to twenty, to twenty-four, and finally, with extreme reluctance, to twenty-five. At the point of twenty-four, Mr. Rives came down to thirty-two, as the medium between the two proposals. At that of twenty-five, the French minister announced it as their ultimatum; and in a despatch of Mr. Rives, of the 14th June, 1831, he reports the French minister to have said "that it was the opinion of the most enlightened and influential members of both Chambers, that the offer of twenty-four millions, heretofore made, was greatly too much; that ———, ———, ———, ———, and other leading members of the one Chamber or the other, whom he mentioned, had already expressed that opinion to him, and emphatically warned him of the serious difficulties to which this affair would expose ministers."

dispensable to its passage. But surely, in the midst of the difficulties which it has caused, we ought not to forget that the acts of our own Executive were the cause of its insertion.

This (said Mr. C.) brings us to the present stage of this unhappy controversy. I shall not offer an opinion on the message and documents which have just been read, till I have had time to read them at leisure, and more fully comprehend their character and bearing. The Senator from Pennsylvania has probably had the advantage of me in knowing their contents. [Here Mr. BUCHANAN signified his dissent.] I will not (said Mr. C.) make the remarks that I intended; but I am not satisfied with much that I have heard in the reading of the message and the documents. I am, in particular, very far from being satisfied with the reasons assigned by the Secretary of State why he did not accept the copy of the letter from the Duke de Broglie to the French chargé d'affaires here, which the latter offered to put in his possession. I regret exceedingly that we have not that document. It might have shed much light on the present state of this unhappy controversy. Much mystery hangs over the subject.

There is another point (said Mr. C.) which requires explanation. There is certainly some hope that the message at the opening of the session may be favorably received in France. The President has in it expressly adopted the explanation offered by Mr. Livingston, which affords some hope, at least, that it may prove to be satisfactory to the French Government. Why, then, send this message at this time? Why recommend preparations and non-intercourse, till we have heard how the message has been received in France? Suppose its reception should be favorable, in the absence of a representative of our Government at the French court, nothing could be done till the message which we have just received shall have passed the Atlantic, and reached Paris. How unfortunate would be the consequence! What new entanglements and difficulties would be caused in the relations of the two countries! Why all this? Who can explain? Will any friend of the administration rise in his place and tell us what is intended?

I might ask (said Mr. C.) for like explanation, why our chargé was recalled from Paris at the time he was. Why not wait till the annual message was received? Whom have we there to represent us on its reception, to explain any difficulty which might remain to be explained? All these things may have a satisfactory explanation. I cannot, however, perceive it. There may be some deep mystery in the whole affair, which those only who are initiated can understand.

I fear (said Mr. C.) that with the message which we have this day received, the last hope of preserving the peace of the country has vanished. This compels me to look forward. The first thing that strikes me, in casting my eyes to the future, is the utter impossibility that war, should there unfortunately be one, can have an honorable termination. We shall go into war to exact the payment of five millions of dollars. The first cannon discharged on our part would be a receipt in full for the whole amount. To expect to obtain payment by a treaty of peace would be worse than idle. If our honor would be involved in such a termination of the contest, the honor of France would be equally involved in the opposite. The struggle then would be, who should hold out longest in this unprofitable, and, were it not for the seriousness of the occasion, ridiculous contest. To determine this point, we must inquire which can inflict on the other the greater injury, and to which the war must be most expensive. To both a ready answer may be given. The capacity of France to inflict injury upon us is ten times greater than ours to inflict injuries on her; while the cost of the war, in proportion to her means, would be in nearly the same proportion less than ours to our means. She has relatively a small commerce to be destroyed, while we have the largest in the world, in proportion to our capital and population. She may threaten and harass our coast, while her own is safe from assault. Looking over the whole ground, I do not, said Mr. C., hesitate to pronounce that a war with France will be among the greatest calamities, greater than a war with England herself. The power of the latter to annoy us may be greater than that of the former; but so is ours, in turn, greater to annoy England than France. There is another view connected with this point, deserving the most serious consideration, particularly by the commercial and navigating portion of the Union. Nothing can be more destructive to our commerce and navigation than for England to be neutral, while we are belligerant, in a contest with such a country as France. The whole of our commercial marine, with our entire shipping, would pass almost instantly into the hands of England. With the exception of our public armed vessels, there would be scarcely a flag of ours afloat on the ocean. We grew rich by being neutral while England was belligerant. It was that which so suddenly built up the mighty fabric of our prosperity and greatness. Reverse the position, let England be neutral while we are belligerant, and the sources of our wealth and prosperity would be speedily exhausted.

In a just and necessary war, said Mr. C., all these consequences ought to be fearlessly met. Though a friend to peace, when a proper occasion occurs, I would be among the last to dread the consequences of war. I think the wealth and blood of a country are well poured out in maintaining a just, honorable, and necessary war; but in such a war as that with which the country is now threatened—a mere war of etiquette—a war turning on a question so trivial as whether an explanation shall or shall not be given—no, whether it has, or has not been given, (for that is the real point on which the controversy turns,) to put in jeopardy the lives and property of our citizens, and the liberty and institutions of our country, is worse than folly—is madness. I say the liberty and institutions of the country. I hold them to be in imminent danger. Such has been the grasp of executive power, that we have not been able to resist its usurpations, even in a period of peace; and how much less shall we be able, with the vast increase of power and patronage which a war must confer on that department? In a sound condition of the country, with our institutions in their full vigor, and every department confined to its proper sphere, we would have nothing to fear from a war with France, or any other Power; but our system is deeply diseased, and we may fear the worst in being involved in a war at such a juncture.

I have, said Mr. C., in conclusion, no objection to the message and documents going to the Committee on Foreign Relations. I have great confidence in the committee, and have no doubt that they will discharge their duty to the Senate and to the country with prudence and wisdom, at the present trying juncture. But let me suggest a caution against the hasty adoption of the recommendations of the message. To adopt them would be to change for the worse the position which we now occupy in this unfortunate controversy, and lead, I fear, directly to war. We are told that a French fleet has been sent to the West Indies, which has been considered as a menace, with the intention of frightening us into hasty measures. The French Government itself has said, in its official journal, that it acts on the defensive, and that there is no legitimate cause of war between the two countries. We would not be justified, with these declarations, connected with the circumstances of the case, were we to regard the sending the fleet as a menace. We must not forget that we, in this controversy, are, as my colleague said the other day in debate, the plaintiffs, and France the defendant. If there must be war, it must come from us, not France. She has neither motive nor cause to make war. As we, then, must declare the war, it is not strange that France, after what has passed, should prepare for the worst; and such preparation ought fairly to be considered, not as a menace, but as a precautionary measure, resulting from our own acts. But should we in turn commence arming, it must be followed on the part of France with increased preparation, and again on ours with a corresponding increase, till, at length, the pride and passions of both parties would be so wrought up as to burst out to open violence.

I have, said Mr. C., thus freely expressed my opinion upon this important subject, feeling a deep conviction that neither justice, honor, nor necessity, impel to arms; and that a war with France, at all times, and more especially at the present, would be among the greatest calamities that could befall the country.

Mr. CUTHBERT followed, saying, the Senator from South Carolina says war must follow! If you arm, war must follow! We are told, in so many words, that we dare not do so! Yes, sir, that voice that twenty-four years ago lighted the fire of confidence and patriotism in the hearts of all who heard him, now humbles itself, and would humble this Senate, before a foreign Government. Dare not arm! Sir, every drop of blood in an American breast is roused by such a sentiment. Shame! shame! that it should have been uttered here. I trust it will meet with but one answer from one end of the Union to the other.

Mr. BUCHANAN said that when he made the observations which had called forth the remarks of the Senator from South Carolina, [Mr. Calhoun,] he had believed the message to be the harbinger of peace, and not of war. This was still his opinion. In this respect he differed entirely from the gentleman. Under this impression, he had then risen merely to remark that, considering the provocation which we had received, the tone, the spirit, and the recommendations themselves, of the message, were mild and prudent, and were well calculated to make an impression upon France, and to render her sensible of her injustice.

It had been far from his intention to excite a general debate on the French question, and he would not be drawn into it now by the remarks of the Senator from South Carolina. He must, however, be permitted to say he was sorry, very sorry, that the gentleman had proclaimed that, if war should come, we are the authors of that war; and it would be the fault, not of the French, but of the American Government. Such a declaration, proceeding from such a source, from a voice so powerful and so potent, would be heard on the other side of the Atlantic, and there might produce a most injurious effect. He was happy to say that this sentiment was directly at war with the opinion of our Committee on Foreign Relations, who, in their report of the last session, had expressed the decided opinion that the American Government, should it become necessary, must insist upon the execution of the treaty. It was at war with the unanimous resolution of the House of Representatives of the same session, declaring that the treaty must be maintained. He believed it was equally at war with the feelings and opinions of the American people.

Whilst he expressed his hope and his belief that this message would prove to be the olive branch of peace, still there was so much uncertainty in the event, that it now became our imperative duty to prepare for the worst. Shall we, (said Mr. B.,) whilst a powerful fleet is riding along our Southern coast, in a menacing attitude, sit here and withhold from the President the means which are necessary to place our country in a state of defence? He trusted this would would never, never, be the case.

The messages and documents were then read, and referred to the Committee on Foreign Relations, as moved by Mr. Clay.

ELECTIONEERING AGENTS.

Mr. WHITE, of Tennessee, rose and said: I rise, Mr. President, to offer the resolution which I hold in my hand; but to enable the Senate to understand why it is offered, and the object I wish to accomplish, it is a duty incumbent on me to accompany it with some explanation; I will therefore read it, and then pass it to your table:

Resolved, That the Secretary of War be, and he hereby is, requested to inform the Senate what office Benjamin F. Curry holds in the Cherokee nation, under what law he was appointed, and at what time; what salary he receives, and whether he has at any time received any allowance in addition to his salary, and how much; stating particularly the whole amount he has received each year.

This Mr. Curry (proceeded Mr. W.) went into the nation some time after the election of the present Chief Magistrate, and I believed until about a twelvemonth ago he had been employed as an inferior agent to superintend the enrolment of Cherokees for emigration, to have their improvements valued, &c. During the last winter he was here, and when I returned home last spring, I understood he was making some figure as a politician; that out of his own head, or by the instigation of some person more wicked than himself, he had, while here, written some letters for publication to a small newspaper in my own State, which had engaged in the business of traducing me. In the course of the summer we had, in some of our congressional districts, animated contests between candidates for Congress. This gentleman, I understood, took an active part. He sometimes travelled out of the nation, and even out of his congressional district, was zealous in propagating his opinions, and, as I am informed and believe, either wrote himself or furnished the materials for one or more pieces, for the same vehicle of slander to which he had written while in Washington.

In the district including the Cherokee agency he was zealous in opposing the election of the former member, and, with a view to enable him to act efficiently, was in the habit of reading and showing, confidentially, a letter said to be written by the President himself, finding fault with the former member by name, and using general expressions, which Mr. Curry said were intended for me. I have likewise been informed that, still further to succeed in his plans of defamation, he confidentially used a letter, said to be written to him by my honorable colleague, [Mr. Grundy,] in which my name was used, not much to my advantage; and I now take this occasion, in the Senate, in presence of our brother Senators, in presence of this audience, and in the face of the world, to ask my colleague to say whether, at any time, he wrote any letter to Mr. Curry, in which my name is used.

[Mr. Grundy answered that he was taken by surprise with the question; but he did not remember he had ever written a letter on any subject to Mr. Curry, and that he felt certain, if he had, he had never used his colleague's name in other terms than those of respect.]

Mr. White proceeded. I am then satisfied with the answer given for the present, and this artifice must have been used by Mr. Curry the more effectually to deceive and mislead those to whom he made such statements.

All this conduct I disregarded, and did not even think it worthy to be made matter of conversation. Our elections terminated; the former member was re-elected;

and when the Legislature met, I was again honored with a seat here by a unanimous vote.

Some time ago a friend brought me a Georgia newspaper, and pointed me to a letter under the signature of Mr. Curry, dated 1st December, 1835, and addressed to the editor of a newspaper called the Federal Union. In that paper it had been published, and from it copied into various other papers, and finally into one in my own State, called the Nashville Union, gotten up by funds furnished here expressly for the purpose of distributing, in my own State and elsewhere, all the dirty filth and slander which could be collected, with a view to detract from my humble standing.

The time at which this letter was published, as well as the place where, and the matter of it, struck me with some force. The Legislatures of Georgia, of Alabama, of Tennessee, of North Carolina, Virginia, and several other States, were then in session, if I mistake not, and if I do I hope gentlemen will correct me, and that of Mississippi was soon to meet. Four of these States had a deep stake in the Indian question, because the Indians now reside in portions of them.

I saw that the most gross and base falsehoods were contained in it, as to myself. This I did not so much regard; but I saw further, that, with a view to reach me, a statement was made respecting Mr. McConnell, one of my constituents, an humble and inoffensive citizen, which would, in all probability, cost him his life. I felt hurt by this, as I had been the medium through which the Secretary of War had induced him to undertake this delicate, confidential, and hazardous agency.

The falsehoods were so glaring, and the mischievous tendency of the letter so obvious, that I at first hoped, so soon as it met the eye of the administration, the matter would be set right without any application from any quarter. After waiting some time without any step having been taken, and having good reason to believe the letter had been seen by at least one member of the administration, I addressed a letter to the Secretary of War, under date of the 2d instant, a copy of which I will now read:

WASHINGTON, *January* 2, 1836.

DEAR SIR: I must take the liberty of inviting your attention to a letter, under the signature of Benjamin F. Curry, published in a newspaper called the Federal Union, and bearing date "Cherokee Agency, December 1st, 1835."

In it you will see, in speaking of Samuel McConnell, Mr. Curry uses this language: "he has, for some years past, under the procurement of Judge White, of Tennessee, been receiving pay from the United States Government, as a secret and confidential agent, while all his visible efforts have been to defeat the measures of the ostensible agents in bringing about a treaty."

I feel assured your own sense of justice will at once pronounce that this statement, so far as I am concerned, is entirely unfounded.

The name of Mr. McConnell was not brought to your notice by me; I never asked or procured the Department to appoint him. Any agency I had in the matter was at the instance of the Department, and to carry into effect its wishes, as is fully disclosed in the letter from the acting Secretary of War to me, and my answer, with its enclosure, to him, to which I beg leave to refer you.

In that, as in every thing else, I was willing to do all in my power to aid in carrying into effect the wishes of the Department in relation to the Indians, and must think I am treated with great injustice if your agents attached to your Department are thus to misrepresent and calumniate me. From all the information I possess, I must think in the charges against Mr. McConnell there is a great disregard of truth. I had ever believed, and yet do, that he acted with great fidelity, and that from his services much benefit resulted.

But, sir, if Mr. McConnell was a secret agent, appointed by your Department, does he merit that his life should be endangered by this statement of your agent? If he was not a secret agent, is it right that he should be endangered by the statement of such a falsehood?

In another part of Mr. Curry's letter he states, shortly before the council, Lewis Ross came to Knoxville, and after his return rumors were put afloat connected with my name.

The inference Mr. Curry wishes should be drawn from this statement no doubt was, that Lewis Ross came to Knoxville to consult me. I assure you, that if Mr. Ross was at Knoxville, from the time I left Washington, in March, till my return this fall, I never heard of it until I read Mr. Curry's letter, and have had no communication whatever with him.

The whole tenor of this letter, so far as I am concerned, is a tissue of misrepresentations, intended to place my conduct in a false view before the world.

I am well aware that those who know Mr. Curry would not excuse me for taking any notice of his slanders generally; but from the peculiar nature of his charge, and the circumstance of his connexion with your Department, his statement may be thought entitled to some credit, should it pass without rebuke.

He is your officer; you are the witness who knows the gross injustice done me, and to you I confidently appeal for such steps as will do that which is just to the country, to Mr. Curry, and to myself.

I beg to be informed what course you will pursue in this matter.

I have the honor to be, most respectfully, your obedient servant.

On the night of the 15th I received his answer, dated the 14th, enclosing a copy of one written to Mr. Curry on the 9th.

DEPARTMENT OF WAR,
January 14, 1836.

DEAR SIR: I must ask your indulgence for not having answered your letter of the 2d instant, which was received here on the 5th. The delay has been owing to the great press of business, and to the propriety of laying the matter before the President.

I have now the honor to send the copy of a letter addressed to Major Curry, and in which the President's disapprobation is conveyed to him. The statement that Mr. McConnell was employed at your suggestion is altogether erroneous, and I have put the matter right by giving the true facts of the case. I considered the Department under obligations to you for the trouble you took on the subject of the employment and proceedings of Mr. McConnell, and I have endeavored to do justice to his services, so far as these are known to me.

If Major Curry intended to intimate, as you suppose, that there was a communication between yourself and Mr. Ross, such an intimation was highly improper. Independent of the entire want of proof of such a course, your word is quite sufficient to satisfy me that there was no just ground for the suggestion.

I am, dear sir, very respectfully, your obedient servant,

LEWIS CASS.

Hon. HUGH L. WHITE.

WAR DEPARTMENT, *January* 9, 1836.

SIR: The attention of this Department has been drawn to a letter from you to the editor of the Federal Union, and which was published in the Augusta Centinel of the 22d ultimo.

I am instructed by the President, if that letter was written by you, to convey to you his disapprobation of a part of it. There certainly can be no impropriety in an officer's communicating to the public proper information when circumstances require it, and the general proceedings relating to the prospects and progress of the Cherokee emigration are of this nature. But it is with regret the President observes in this communication allusions to persons and parties which do not seem to be necessary, and are calculated to produce an injurious effect. There is one error of fact, which it becomes the special duty of this Department to correct, as the requisite information is upon its files. You state that Mr. McConnell "has for some years past, under the procurement of Judge White, of Tennessee, been receiving pay from the United States Government, as a secret and confidential agent," &c. You have been led into a mistake on this subject. Mr. McConnell was not employed under the procurement of Judge White. The suggestion that Mr. McConnell's services might be useful, as well to the United States as to the Cherokee Indians, was made to this Department from another and very respectable quarter. All the necessary circumstances were not fully known at the Department, proper instructions were given to Mr. McConnell, and enclosed to Judge White, to be delivered if he thought the arrangement would be useful. Judge White had no agency whatever in the matter until he was requested, by the express direction of the President, to serve as a medium of communication between Mr. McConnell and this Department.

Mr. McConnell transmitted various reports, containing information respecting the state of things in the Cherokee country. But there is nothing in these going in the slightest degree to show that he did not act with due fidelity, as well to the United States as to the Cherokee Indians.

It is also a matter of regret that you should have attended at all to the employment of Mr. McConnell. From the relation in which he stands to the Cherokees, and the suspicious disposition of Indians, the disclosure may even put his life at hazard. It is therefore the more imperative upon me to state explicitly, as I have done, that there was nothing in the reports of Mr. McConnell which could give just offence to the Indians.

The President has directed me to say that he has read and approves this letter; and that, while he appreciates the zeal you have displayed in the execution of your duties, he deems it incumbent upon him to recommend to you great discretion, and particularly to convey to you his disapprobation of the allusion you have made to the employment of Mr. McConnell.

Very respectfully, your most obedient servant,

LEWIS CASS.

Major B. F. Curry, *New Echota, Ga.*

To this, on the 16th, I wrote a very short reply:

Washington, *January* 16, 1836.

Dear Sir: I have the honor to acknowledge that I received last night your favor under date of the 14th, with its enclosure, in answer to mine of the 2d instant.

The result is so different from what I think I had a right to anticipate, that I refrain from any remarks on the contents of the letter written to Mr. Curry by direction of the President.

I have the honor to be, most respectfully, your obedient servant,

HUGH L. WHITE.

I had applied, in the only friendly mode I could devise, for the interposition of the executive power. I remembered well the great principle for which the party had struggled to elevate the President to his present station. I remembered his recognition of it in his inaugural address, which thousands of the citizens of the United States, as well as most of those now in the reach of my voice, heard him deliver, as containing the principles upon which he would administer the Government. The paragraph is in the following words:

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform, which will require, particularly, the correction of those abuses that have brought the patronage of the federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

This short paragraph shows the main ground on which the contest rested, which ended in the election of the present Chief Magistrate. It contains the sentiments avowed by him in the presence of nearly twenty thousand freemen. It contains the sentiments which, as one of his advocates, I honestly entertained. It contains the sentiments on the maintenance of which, I believe our freedom and liberty essentially depend. I felt hurt and mortified upon reading the Secretary's letter; I could not reply without using expressions not fit to address to a member of the President's cabinet. In place of Mr. Curry receiving such rebuke as would deter him from committing a similar offence in future, it appeared to me that he was complimented. Although his conduct was not approved as to McConnell, as to me it was very well; that, instead of an inferior agent, he was to be viewed as an electioneering political diplomatist; and that, hereafter, if the gardener spoken of by the Senator from Massachusetts the other day is to wear his diplomatic button, Mr. Curry ought to figure in his political electioneering star and garter.

But, sir, what was I to do next? The falsehood has gone forth to answer the meditated mischief. In some of the States it is probable it has accomplished its object. How is it to be contradicted? I have been furnished with a document proving the falsehood. Is it supposed that I would sneak to a printing office to beg a publication of its contradiction? No. I cannot descend to such an act of meanness. If I could, I dare not. The proud, high-minded, honorable men who sent me here would, for such an act of degradation, recall me from a station among honorable men, and thus gratify some high in office who seek to displace me.

My course is here; my place is here. From my stand, on this floor, I contradict the falsehood and expose the injustice. If any opponent will deny my statement, or justify this outrage, I meet him here openly, face to face, eye to eye, and maintain and assert what is due to my constituents and myself by all honorable means in my power.

But the Nashville Union—this vehicle of slanders and falsehoods, gotten up in this city, as I have understood, for just such purposes. The editor came here last winter, upon his own mere motion, or by the solicitation of some other person, with, as I have understood and believe, not more money than would bear his expenses. He lived in the House with my honorable colleague, and, while here, was furnished with some five or six thousand dollars to establish his press in Nashville, and, without relying upon subscribers, to be enabled to throw his paper into the hands of every man who would condescend to read it. Even this very number, containing this letter, I have no doubt, has been innocently sent, under the frank of Senators, from this floor, to many of the States in the Union.

If there is any person within my hearing who can contradict my statement, as to the manner in which this paper was established, I wish to hear him do so.

[Mr. Grundy rose and stated that the editor had come here last winter, not at his instance; that how the money was raised, or by whom, he had no knowledge;

that the paper had taken its side, and was maintaining it as well as it could; that he had not noticed this letter in it, and that there was a great scuffling to get subscribers for it at home. Mr. McConnell he knew, and thought him a clever man, of good sense, and he believed he had recommended him for this office.]

To which Mr. WHITE replied. Yes, Mr. President, there was a great scuffling to get subscribers for it; so great that our old acquaintance, Samuel Gwyn, the land officer from Mississippi, was called into the service; and, when procuring subscribers at Gallatin in April last, he wrote to Mr. Ritchie, of the Enquirer, the celebrated letter as to Tennessee politics, intended unjustly to influence the Virginia elections, and which, no doubt, had the desired effect.

Mr. President, I have made these disclosures with great pain and the most deep mortification; but I deemed it my duty to do so. The answer to my resolution will show whether it will be in my power, and whether it will be my duty, to attempt any thing farther on the unpleasant subject.

The resolution was then agreed to.

[The following is Mr. Curry's letter, alluded to in the foregoing remarks:

From the Federal Union.

CHEROKEE AGENCY, *Dec.* 1, 1835.

SIR: I know your anxiety on the subject of a treaty, and having seen intimations, on Indian authority, that a treaty will be concluded at an early period, I have thought fit to give you a short sketch of the proceedings of the council, as well as before and since, connected with the Indian matters.

You will remember, Mr. Ross and his coadjutors entered into a written agreement with the Secretary of War last winter, to take for their claims east whatever sum the Senate of the United States might award, upon submitting the question to that body.

The question was submitted, and the Senate awarded five millions of dollars. Mr. Ross and his party acted on this occasion under a power of attorney from the committee and council of the nation, who claimed all the power and authority of the nation. This power of attorney was drawn by a skilful lawyer, Colonel Hansell, and signed by all who claimed authority and power as counsellors. Mr. Ridge and others, who seceded from Mr. Ross's council, made an arrangement, reduced to the solemn form of a treaty, and signed by the representatives of that party, on the basis of this award.

At the October council there attended a certain Mr. Payne, and one Samuel McConnell, of Tennessee; Payne hails from New York, but came through Georgia. He is of the whig party, and rumor makes him an abolitionist. He, it is said, formed an alliance with Mr. Longstreet, of Augusta, and other editors, by which he was to furnish matter, and they were to print it for political effect. McConnell is the same who instigated the arrest of the Georgia surveyor, and had him carried to Athens, Tennessee, for a violation of the intercourse laws, some three years ago, for marking lines within the limits of your State. He has large claims for reservations made to Indians under the treaties of 1817-'19; and has, for some years past, under the procurement of Judge White, of Tennessee, been receiving pay from the United States Government, as a secret and confidential agent, while all his visible efforts have been to defeat the measures of the ostensible agents in bringing about a treaty.

Lewis Ross, one of John Ross's executive counsellors, visited Knoxville about the commencement of this council, and, while absent, much concern was manifested by John to know where his brother Lewis could be. Lewis at length arrived.

Rumor was put afloat that Judge White, if made President, would do much for this people.

Ridge and his party shortly afterwards arrived. McConnell met him, as Ridge told it, and put him on his guard against the agent and Mr. Schermerhorn, who, he intimated, was about to sacrifice Ridge, and proposed that Ridge and his party should ride with him in the direction of Governor Carroll's, in order to see that commissioner before myself and Mr. Schermerhorn had an opportunity to give to his mind such a bias as it might receive, provided that this precaution was not used. Mr. Ridge was evidently much perplexed, and his confidence apparently shaken through some unexpected interference.

An interview was shortly afterwards brought about between John Ross and John Ridge, which resulted in a determination never to treat on the basis of the award of the Senate. This was accordingly submitted to the people, about six or seven hundred only being present. Coupled with this, however, was a resolution appointing nineteen delegates to treat here (at Red Clay) or elsewhere, with the Government of the United States. After the passage of these resolutions, most of the Indians went home rejoicing that they had got their lands back. The committee thus appointed to treat remained, and raised an objection to Mr. Schermerhorn's authority; and in this they were sustained by this Mr. Payne: for the truth of this I refer you to Colonel Hansell. While Payne was thus engaged, Mr. Foreman, a Cherokee of respectability, informs me McConnell was using these arguments with Ridge's friends, who had refused to go over with them. You had nothing to expect from the agent; and the commissioner will have no power. All the patronage and money for which your country is sold will be at the disposal of Ross. You had better leave them and join him; stick to them, and you are ruined; go with him, and you are saved.

The suspicious movements of Mr. Payne, and the secret conclaves constantly going on between him and Mr. Ross, united with the strange results of this council, and the increased insolence of the Indians, strengthened the suspicion that these fresh hopes were founded upon anticipated insurrection in the South and West, and a severe conflict at the same time with foreign foes; during which the Indians might have an opportunity to reinstate themselves. The parties (Payne and Ross) were closeted, after the adjournment of council, for at least a week, just back of the Georgia line, within Tennessee. Indians, committing the most atrocious murders in that part, had been arrested and carried before the circuit courts of Tennessee, and the laws had, by Judge Keith, been declared unconstitutional, leaving the country neither subject to State nor federal jurisdiction. From the great variety of character in that section of the country, and the absolute necessity of knowing where to look for protection against the incendiary as well as the assassin, I was instrumental in taking an appeal from his honor Judge Keith's decision to the supreme court of Tennessee, the opinion of which had not reached the Indian country in a tangible character at the time of Mr. Ross and Mr. Payne's temporary arrest; since which, I have seen it announced that the supreme court of Tennessee had reversed the decision of Judge Keith against the unconstitutionality of the laws. But from this high tribunal an appeal has been taken to the Supreme Court of the United States (as I am informed) at the instance of some of those very persons in Tennessee who rail out so largely against the Georgia guard for having stepped a few paces across the line into an unorganized territory, to examine into the correctness of an alleged conspiracy against the vital interest of not only yours but the adjoining States.

Abolition tracts have been circulated among the Indians; and I have seen, in the handwriting of Mr. Payne, charges that the Government of the United States had attempted to bribe John Ross, by offering him a bribe of fifty thousand dollars, and a tissue of other misrepresentations, calculated, and no doubt intended, to alienate the confidence of the Indians from our Government, and excite them against its citizens; which, with his persuasions to them that Mr. Schermerhorn was not duly authorized to treat with them, being calculated to delay its measures with this tribe, are flagrant violations of the intercourse law of 1831; and had I been aware of the extent of this gentleman's offence, and been here before his release, his confinement would have continued at least until orders as to the proper course to be pursued could have been received from the War Department.

The foregoing shows that, while the Indians have appointed a delegation to treat, they resolve, by the same voice, not to treat on the basis of the five million. The delegation have refused to meet the commissioners at Newtown, and say they will go to Washington city, although they have been notified by the Secretary of War and Commissioner of Indian Affairs that the Department will hold no more communications with them. Last winter, after the award of the Senate was had, the Secretary of War requested Mr. Ross and his party to submit the details of a treaty, to be based upon the Senate's award. This he objected to, because he believed it to be more satisfactory to his people to have a treaty concluded in their presence, which would save the delegation from unjust imputations, &c. Commissioners were sent into the country therefor, and now, by the procurement of Ross and Ridge, a resolution is passed declaring they will not abide by their own engagements, and never will treat on the basis of the Senate's award.

Should you think this worthy a place in your paper, I hold myself answerable for its contents.

Most respectfully, your obedient servant,

BEN. F. CURRY.

To the EDITOR *of the Federal Union.*]

TUESDAY, JANUARY 19.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The Senate proceeded to the consideration of the question on the petition, from sundry citizens of Ohio, to abolish slavery in the District of Columbia; the question being, "Shall the petition be received?"

Mr. LEIGH rose and said he considered it his duty to discuss the questions that had arisen in the debate on the motion of the gentleman from South Carolina, against receiving these petitions; yet he had felt all along, and still felt, some reluctance to perform that duty. For, though he was not sensible of an excitement in his own breast, and, so far from wishing to increase, was most anxious to allay the existing excitement in the public mind, by all means best adapted to counteract and remove the causes of irritation; and though he was sure, if he could be sure of any thing depending on the evidence of his own consciousness, that he had no party feeling at all connected with the subject, he was, nevertheless, somewhat apprehensive that the remarks he should feel it his duty to make (such was the nature and delicacy of the topics to which he must advert) might not prove, in their effect, exactly correspondent with his wishes and design.

He reminded the Senate that there had been three memorials presented on this subject: two from Ohio, as to which the gentleman from South Carolina insisted on the preliminary question, whether they should be received or not; and one from the Society of Friends of Pennsylvania, which the gentleman who presented it [Mr. BUCHANAN] moved to reject, without further consideration. All three had one and the same object; they all prayed Congress to abolish slavery in the District of Columbia. But (said Mr. L.) the temper and language of these memorials are widely different. That from the Quakers does indeed represent slavery as unchristian and inhuman, as they would deprecate and remonstrate against war, however just and necessary, as unchristian and inhuman; but they evince no animosity towards slaveholders; they manifest the same mild and peaceful spirit, the same good-will and brotherly love towards all men, which that society of Christians have so signally, at all times and on all occasions, displayed in word and deed. They have been holding similar language for years; holding it in the slaveholding as well as the non-slaveholding States; addressing it to Congress; addressing it, in conversation, to their slaveholding neighbors in Virginia, (as my colleague and I can testify,) and in memorials to our Legislature; yet they have never given offence, provoked resentment, or excited alarm. Sensitive as we are supposed to be on this subject, the Quakers who have lived among us have found out the art of maintaining their opinions without offence; and the art consists simply in purifying their own hearts and language from the least taint of malignity. I cannot help wishing I could find some principle of discrimination, favorable to this memorial of the Quakers, on which I could think myself justified in giving it a different treatment from that which I have no hesitation in giving to the memorials from Ohio. One of these is from men; the other is signed by women only. That from the men is comparatively moderate; they only intimate their opinion that the holding of slave property, and the transfer of it by sale, as practised in this country, is alike detestable with the African slave trade, which has been declared piracy by law. But the memorial from the softer sex contains as much matter of offence, insult, and vituperation, applicable to all the slaveholding portions of their fellow-citizens, as could possibly have been put into a paper of the same compass. These ladies probably thought (or rather, perhaps, the person who prepared the memorial for them thought) that their sex would give them a title to indulgence. But, in my sense of things, their sex, instead of furnishing a motive for treating them with indulgence, is an aggravation of their fault. They have unsexed themselves. These memorialists of Ohio, male and female, it seems, are sorely afflicted with the cruel grievances our slaves endure from us, their ruthless masters; their souls are oppressed with the load of mortal sin which we incur by holding their fellow-creatures in bondage; and, while they profess sympathy and compassion for the slave, it is but too apparent that abhorrence and detestation of the slave-owner constitute the moving spirit that dictates their language and their conduct.

There are some who impute the restless, busy, mischievous schemes of agitation, in which the abolitionists are engaged, to mere fanaticism, and thence seem willing to infer that, however furious their zeal and pernicious its effects, their motives may not be wanting in sincerity and benevolence. But, for my part, supposing their conduct justly imputable to fanaticism, that would be no argument with me, either of their sincerity or their benevolence; for, of all the evil spirits that have ever possessed the human heart, fanaticism has proved itself the most persecuting, unsparing, cruel, and relentless; and no man that has read the history of the civil broils of our British ancestors in the times of Charles I. can need more to convince him that fanaticism is apt to be accompanied with hypocrisy, and conscious hypocrisy, too.

Mr. L. then stated the precise question before the Senate to be, whether we ought to receive these Ohio memorials? This question, he thought, did not necessarily involve the question which had arisen in the debate, whether Congress has the constitutional power to abolish slavery in the District of Columbia. For, said he, supposing Congress to have the power, yet, as we have been assured on all hands that there is no difference of opinion on the question of policy—that it is the opinion of the great majority of the Senate, that indeed it is the unanimous opinion of this body, that it would be most impolitic, unwise, and unjust, to do what these petitioners pray Congress to do, I cannot comprehend how good policy, sound wisdom, or justice, can require or even permit us to entertain these petitions. Can it be thought politic, wise, or just, to receive petitions of which the objects are acknowledged to be mischievous? The question whether they shall be received is a preliminary question which every Senator has a right to have put and decided upon every paper offered to this body, and the very purpose of it is to enable us to refuse a hearing to propositions of a mischievous tendency. There is nothing unusual in the motion of the gentleman from South Carolina that these memorials shall not be received. Short as has been my service in the Senate, I have known instances in which it has been resolved, upon the preliminary question put, that memorials should not be received, on the ground that they contained language disrespectful and calumnious of the Senate, or of particular members, though they related to subjects in which the petitioners were interested in common with the whole nation. Now, that seems to me the most trivial objection imaginable, compared with the objection which we make to these memorials, and the truth and justice of which, in point of fact and probable consequence, have not been denied--that they are calculated, if they are not intended, to disquiet the minds and disturb the peace of one half the Union, and to produce or keep alive an agitation throughout the whole, which has a manifest tendency to weaken the political bonds by which we are united, and to jeopard all our institutions.

Gentlemen who are unwilling to vote against receiving these petitions are willing, as I understand, to vote to reject them as soon as they shall be received. The difference between not receiving and rejecting, in principle and effect, is, I suppose, no more than this--that rejecting, as it admits the right of the petitioners to be heard, and only declares the prayer of the petitions unreasonable, may nowise tend to discourage the renewal of such petitions, but may, on the contrary, suggest and invite a renewal of them in future and more propitious times; whereas a decisive vote of the Senate against the receiving of them, as it amounts to a denial of the right of the petitioners to be heard at all, may and ought to have the effect of discouraging and preventing the renewal of petitions of the like mischievous kind in future; whether it will or not, is another consideration. Supposing it expedient and prudent not to receive these petitions, (having regard to the probable effects,) is there any objection, in principle, to this course? Is there any principle that obliges us to receive petitions, without regard to their merits or purposes, and without consideration of consequences? The first amendment to the constitution has been referred to, which provides that Congress shall make no law abridging the right of the people peaceably to assemble and petition the Government for a redress of grievances. But the right here secured to the people, to petition for a redress of grievances, must have relation to grievances of the petitioners themselves, not those of others; and the refusal of Congress to receive unjust, mischievous, or absurd petitions can hardly, by any violence of construction, be regarded as tantamount to the making of a law abridging the right of the people to petition for a redress of grievances. In the present case, the prayer for redress of grievances is, most palpably, only a pretext, a flimsy pretext, and a mockery—a pretext to justify the petitioners in meddling in affairs in which they themselves can be no way, or only very remotely, concerned, to the jeopardy of the rights, the interests, the peace and happiness, of a large portion of their fellow-citizens—a pretext for complaining of evils which, if they exist, can hardly, by any possibility, reach them—a pretext to justify the petitioners, while they are out of the way of all danger themselves, in disturbing the tranquillity of the two States surrounding this District, and, by consequence, the whole Southern country. Redress of grievances! I defy the wit of man to point out any grievance which these Ohio petitioners can sustain from the existence of negro slavery in this District, greater than that which the female memorialists have discovered and gravely represented to us, namely, that they are prevented, by their dread of witnessing the horrors of slavery, from coming to Washington to hear the debates in Congress! Sir, this is the first time I ever heard it suggested that the right of petition imposed the duty on Congress to receive petitions acknowledgedly improper and mischievous, no matter why so improper and mischievous.

Mr. L. then proceeded to remark that, though he thought the question of the competency of Congress to abolish slavery in the District of Columbia not necessarily involved in the decision of the question proposed by the gentleman from South Carolina—though, in his opinion, if the power were conceded to Congress, the Senate ought yet to refuse to receive these petitions, it was obvious that, if Congress had no such power, that would be a conclusive objection to receiving the petitions, and, therefore, the question whether the abolition of slavery in the District was within the constitutional competency of Congress was a fair topic of discussion in this debate. It was important to the Southern States, especially to Maryland and Virginia, to understand the exact state of opinion in Congress on the point; for, if the doctrines of the abolitionists should gain ground in the non-slaveholding States, and Congress should assert its power to abolish slavery in this District, we might very well apprehend that the power will at no distant day be exercised; and the State Governments ought to be the more careful and strenuous to devise such measures, within their own competency, as would best serve to guard us against the consequences. The assertion of such a power by Congress, the failure to disclaim it, Mr. L. feared, would give new energy to the efforts of the abolitionists. The system on which they were acting was the system of agitation; a system inimical to the stability of all political institutions. It was truly astonishing to see how few men, and what sort of men, were capable of getting and keeping up such a system, and thereby poisoning the social relations of any country, shaking the foundations of Government, and dissolving the best-adjusted political compacts. Mr. L. said he held the opinion that Congress had no rightful constitutional power to abolish slavery in this District; and he should take this opportunity to lay before the Senate his views of the question; though he hoped and trusted that some occasion would be found for bringing it before this body, directly and singly, for decision, so that the slaveholding States might understand exactly the grounds they are standing on.

But first, (said Mr. L.,) let us understand the question. Nobody doubts that Congress may authorize the owners of slaves within the District to manumit them, and may facilitate the emancipation of them by the owners, by proper legal provisions adapted to the purpose. The question is, whether it is competent to Congress to emancipate the slaves in this District, without the consent of the owners, or any slave without the consent of the individual owner.

Such a power, if it exists, must be deduced from the provision of the constitution giving Congress power "to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings."

I pray the Senate to consider, in the first place, that if this shall be construed a grant to Congress of an unlimited, absolute, despotic power of legislation over this District, and if, by virtue of the grant, Congress may abolish the rights of slave property in the District, they may exercise "like authority" over the forts, magazines, arsenals, &c., which they have purchased in the slaveholding States. They may not only organize the negroes they shall make free into militia regiments here, but they may form them into corps of regulars; they may station them as garrisons in the forts and places of arms established among us; they may commit to their safe-keeping the magazines and arsenals, the munitions and implements of war. The power claimed is one of most fearful import and extent; and no gentleman, I presume, will now wonder at the anxiety which the claim to such a power raises in our minds. Let us not be told that Congress will never proceed to any such dangerous extremes in the exercise of the power, let its existence be ever so unquestionable! Not a great many years have passed over my head since I thought it impossible that any set of men (but the Quakers) could seriously propose the abolition of slavery in the District of Columbia, in the actual state of things in Virginia and Maryland.

The argument for the power of Congress I understand to be this: That the grant to Congress of the powers of exclusive legislation, in all cases whatsoever, over the District, vests in Congress all powers which the Legislatures of Maryland and Virginia may rightfully exercise within their respective jurisdictions. And I shall admit the principle, provided it is admitted, on the other hand, that Congress has the same extent of power as the State Legislatures by which the District was ceded, and no more; which, surely, is no unreasonable postulate.

I presume it cannot be contended that the State Legislature of Virginia or Maryland, or of any State in the Union, has a rightful power to make any law incompatible with a solemn, lawful compact with another State; or that Congress, in virtue of its powers of exclusive legislation over the District of Columbia, is competent to make laws directly contrary to the act of cession of the District by Virginia or Maryland; contrary to the compact which the act of cession imports; contrary to the terms on which Congress accepted the cession. There is an existing compact between Maryland and Virginia concerning the use and navigation of the Potomac, and the jurisdiction over the river; no one has ever supposed that either State can constitutionally make a law contravening that compact, in the least particular, without the consent of the other. There is a compact between Virginia and Kentucky, upon the terms of which the latter was erected into an independent State; Kentucky has passed laws which have been complained of and impugned, on the ground that they were contrary to the terms of the compact, and the question as to their validity was brought before the Supreme Court of the United States; but the only question was, whether the Kentucky laws violated the compact or not; for no jurist or statesman of Kentucky ever thought of contending that, if those laws really violated the compact, they were, nevertheless, constitutional and valid. But the cession of this District is not the only cession which Virginia has made to the United States. She ceded to the United States all her rights in the Northwestern Territory, upon terms on which Congress accepted the cession, and which, therefore, constitute a compact between that State and the United States. There is, at this moment, a most interesting question pending before Congress, between the State of Ohio and the Territory of Michigan, touching the boundary between them. Michigan insists that the act of cession of Virginia has settled the boundary, unalterably and conclusively; and Ohio contends that the act of cession gives full power to Congress to ascertain and fix the boundary, as convenience, good policy, and justice, shall dictate; but neither the State of Ohio, nor any one else, contends that, if the act of cession does determine the boundary, it is competent to Congress to disregard the compact with Virginia; the only question is, what is the true meaning and effect of the compact? So with regard to this cession by Virginia of the District of Columbia. Whatever terms the Legislature of Virginia has stipulated, Congress, accepting the cession upon those terms, is bound by the compact those terms import, and it is not within its competency to make any law contrary to the compact. Now, the act of cession of Virginia is in these words:

"*Be it enacted, &c.*, That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof, as Congress may by law direct, shall be, and the same is hereby, for ever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the constitution of the Government of the United States: *Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein,[*] otherwise than the same shall or may be transferred by such individuals to the United States."

Here, then, is a stipulation in the act of cession of Virginia of her part of the District, according to which Congress accepted the grant, and so made the stipulation a part of the compact, by which the powers of exclusive legislation which Congress is to exercise are so limited that it cannot assume any right of property in the soil, or affect the rights of individuals in any property. And then the only question will be whether the right of the owner in slaves, in the parent stock and future increase, was, in the view of the contracting parties, (the Legislature of Virginia and Congress,) a right of property. I have no idea that the terms of the proviso in our act of cession were dictated by any prophetic apprehension that Congress would ever attempt to abolish slavery in the District; they are attributable to that habitual caution which marked all our legislative proceedings of that period. I say, then, that Congress is precluded by compact, in the exercise of its exclusive legislation, from abolishing the rights of slave property in the part of the District ceded by Virginia. I have looked into the act of Maryland of 1788, concerning the cession of her part of the District, and I do not find that she exercised the like caution; that she qualified her cession by any proviso or stipulation. But, in my opinion, no such stipulation was necessary to limit the power of Congress in respect to slave property in the District.

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[*] NOTE BY MR. LEIGH.—It may be thought that the word "therein" refers to the word "soil," in the preceding member of the sentence, as its antecedent, so as to secure the rights of individuals in the soil only, and not in any other kind of property. But a little attention will show that the word "therein" has reference to the tract of country ceded. For, 1. The previous cession is "as well of the soil as of persons residing or to reside thereon;" that the proviso was intended as a qualification of the whole grant, and must be construed not only to secure rights of property in the soil ceded, but the rights of individuals resident thereon, over whom exclusive jurisdiction is also ceded. 2. As "rights of property in the soil" could be none other than the rights of individuals to property in the soil, if they alone were intended to be secured, the other member of the sentence, securing "the rights of individuals therein," will be wholly inoperative and nugatory. 3. The word "therein," in truth, belongs to both members of the sentence, though, according to the idiom of the language, it is inserted only after the last: the sense is the same as if it had been written "any right of property in the soil therein, or to affect the rights of individuals therein;" i. e. in the tract of country before ceded.

The District was ceded, not to the United States, but to Congress, which can claim no rights of sovereignty, whatever the United States may: it was ceded by the ordinary Legislatures of Maryland and Virginia, which never pretended to sovereignty. We know that the sovereignty of each State resides in the people. The principle, agreed on both hands, from which we are arguing, is, that Congress, in exercising exclusive legislation over the territory, property, and people, of this District, are competent to do whatever the Legislatures of Maryland and Virginia are competent to do in respect to the territory, property, and people, of those States, respectively; and (I add and insist) no more. Therefore, in order to show that Congress has constitutional power to abolish the rights of slave property in this District, it must first be shown that the Legislatures of those two States have, and had at the time of their cession, constitutional power to abolish the rights of slave property within their limits.

There has been in Virginia as earnest a desire to abolish slavery as exists any where at this day. It commenced with the Revolution, and many of our ablest and most influential men were active in recommending it, and in devising plans for the accomplishment of it. The Legislature encouraged and facilitated emancipation by the owners, and many slaves were so emancipated. The leaning of the courts of justice was always *in favorem libertatis.* This disposition continued until the impracticability of effecting a general emancipation, without incalculable mischief to the master race, and danger of utter destruction to the other, and the evils consequent on partial emancipations, became too obvious to the Legislature, and to the great majority of the people, to be longer disregarded. There were some who very early wrote and published plans for accomplishing a general emancipation—considerate, prudent men, understanding the subject, and too wise to overlook or disregard the political considerations that belonged to it. Mr. Jefferson suggested a scheme; and the gentleman under whose care and direction my mind was instituted in the science of the law—I mean the elder Judge Tucker—proposed another plan for the purpose, and published a tract on the subject. It has been so long since I read these works, that I do not pretend to an accurate recollection of them; but I think the authors were chiefly intent on devising a feasible plan, and did not bestow much attention to the question by what authority such a plan, if practicable in itself and expedient, was to be accomplished; which is our question.

I can venture to say that the great body of the jurists of Virginia, as well as of the people, have always denied, and do yet deny, the constitutional power of the ordinary Legislature to abolish the rights of slave property without the consent of the individual owners. I do not know what opinion has been entertained in Maryland. I only know that the same reasoning is equally applicable to the legal institutions of both States. And the reasoning is as simple as (to my mind) it is conclusive. At the time of the formation of the constitution of both States, the rights of individuals to property in their slaves existed in both, exactly as they have ever since continued, and still continue, to exist: they were universally recognised as property, to all intents and purposes; property founded in ancient laws, and clearly defined and regulated; indefeasible property, just as indefeasible as property in lands or any thing else. The people of both States, in forming their constitutions, and their delegates who framed them in convention, intended, beyond all manner of doubt, to recognise, establish, and secure, this slave property, as well as property of every other kind. They took care to make private property of all kinds, without discrimination, sacred and inviolable, and to place it beyond the power of the ordinary Legislature to assume, abolish, or impair it. This is a fundamental principle in the constitutions of both States; and it has been invariably admitted and acted on, in the ordinary legislation of both. If our Legislatures have any extraordinary powers, by virtue of which they may abolish slave property, they are certainly not to be found in our constitutions, as they have been uniformly understood by us, and practically expounded. I defy human ingenuity to invent an argument which shall be of force to establish a power in the ordinary Legislatures of Maryland and Virginia to abolish slave property, that will not be of equal force to justify them in the abolition of property in lands, and, indeed, of the very principle of property itself. If, therefore, Congress has the same power, and no more, over the subject of slave property in this District, which the Legislatures of Maryland and Virginia have over slave property within their respective jurisdictions, and had over slave property in their several parts of the District at the time of their cessions, I conclude, confidently, that Congress has no rightful authority to abolish slavery in the District without the consent of the owners, or to emancipate a single slave without the consent of the individual owner.

I presume it can hardly be imagined that Congress can have derived from the acts of cession of Maryland and Virginia, that is, by virtue of those acts alone, any other or greater powers of legislation over the District than those Legislatures themselves had at the time of the cession; in other words, that the grantee has acquired, by the grant, more power than the grantors had to cede.

If the provision of the constitution of the United States, giving power to Congress "to exercise exclusive legislation, in all cases whatsoever, over such District as may, by the cession of particular States, and acceptance of Congress, become the seat of Government of the United States," is to be taken as the only source and the only measure of the power of Congress; if this provision is to be construed as conferring on Congress absolute, sovereign, despotic authority over the people of the District, and their private rights of property, unlimited by the just measure of authority that belonged to the State Legislatures by which the territory was ceded—unlimited by any consideration of the nature, purposes, and exigencies, of the trust for which the power of exclusive legislation was given, then it will follow that Congress may, in its wisdom, or in its folly, abolish property in lands as well as in slaves; may enact an agrarian law; nay, more, may abolish the principle of property entirely, and establish a community of goods.

Now, certainly, I do not apprehend any such absurd and mischievous legislation: but it is fair, it is even necessary, to pursue this claim of power to its consequences, in order to test its justice. The truth is, sir, that a grant of power of "exclusive legislation in all cases whatsoever," over a territory and the people in it, does not, in the just sense of that language, as used by American law-givers, import a grant of absolute, despotic, sovereign authority, or of any authority at all to assume, abolish, or impair, private rights of property. It imports a grant of the power of ordinary legislation. The proper as well as ordinary business of legislation is to regulate and secure the rights of property, never to annihilate them.

I desire the Senate to understand that I do not contend that the States of Maryland and Virginia have no power to abolish slavery within their jurisdiction—I only maintain that the ordinary Legislatures of those States have not, under their existing constitutions, any such power; not denying that the sovereignty of either State may, by an amendment of its constitution, confer such power on the Legislature. I do not deny that the two States have parted with their dominion over the District; nor do I contend that power can by no means be vested in Congress to abolish slavery in the District, in any state of circumstances. I maintain that the States ceded their dominion to the United States, not to Congress; that the sovereignty over the territory and the people is in the United States, by virtue of the provision of the constitution authorizing the State Legislature to cede, and Congress to accept; that Congress has only the power of ordinary legislation; no absolute, sovereign power whatever; no power to impair, much more abolish, any private right of property of any kind; and that the power to abolish slave property in the District can no otherwise be conferred on Congress than by an amendment of the constitution of the United States.

But, independently of this view of the subject, (Mr. Leigh said,) there were other objections to the competency of Congress to exercise the power in question, which seemed to him insuperable and conclusive. What, he asked, would be the effect of the abolition of slavery in this District? and what was, and must be, the only object of such a measure? To the consequences, he supposed, no man would affect to be blind: a large body of free negroes would at once be established in the midst of two of the principal slaveholding States; the District would become the receptacle in which other population of the same class would soon be congregated; and these people, from their position, would necessarily have opportunities of daily intercourse with the slaves of the two adjoining States, of holding out to them every motive to revolt, inciting them to continual and dangerous insurrections, and supplying them with the means of waging a servile war against us. And as to the object and design of the abolitionists in urging this measure, it could not be disguised that abolition in this District was not sought as an end, but as the means of success in other and far greater enterprises; that their purpose was to gain a point, and a most commanding point too, from which they might prosecute their schemes of abolition, first in Maryland and Virginia, and then, in regular process, in all the other slaveholding States.

It was, doubtless, the conviction that these mischievous designs were entertained, and a sense of the dangerous consequences that would probably, if not unavoidably, ensue from the accomplishment of the immediate object, which produced so general an opinion in the Senate that it would be impolitic, unwise, and unjust, to abolish slavery in this District. But the same considerations, Mr. L. thought, must lead us to the conclusion that it was unconstitutional also; contrary to the spirit, if not to the letter, of the constitution. He had always supposed that, in giving power to call out the militia to suppress insurrections, the constitution made it the duty of this Government to exert the power for the suppression of servile insurrections in any of the States; and he asked whether it could possibly be maintained that Congress could constitutionally adopt any measure, of which the manifest and acknowledged tendency, if not the certain effect, was to incite those very servile insurrections which the Government was under a constitutional obligation to suppress? If we could not look for a limitation on the powers vested in a Government in the obligations imposed upon it, where could such limitations be found? Again, it was admitted, and had always been admitted, that Congress had no power to abolish or touch slave property in any of the States. But here was a measure proposed to us for adoption, which did not, indeed, directly abolish slavery in any of the States, but which was, nevertheless the most efficient measure that could possibly be devised to bring about, and in fact to compel, general abolition in the slaveholding States—a measure which, for that reason, the advocates of universal abolition most ardently desired, as the means of accomplishing their avowed purpose. And the question was, whether it was within the competency of Congress to adopt such a measure? whether, while it acknowledged that it could not, without violating its constitutional duty to the slaveholding States, accomplish the end, it might yet authorize and provide the most efficacious means of ultimately accomplishing it? Mr. L. said it was a principle of all ethics—it was a principle especially applicable and valuable in the administration of all Governments of limited powers—that that which cannot be lawfully accomplished by direct means, cannot rightfully be attempted by any manner of indirection.

He said there were other objections to the competency of Congress to abolish slavery in the District, which he should forbear to urge, because they had already been enforced by other gentlemen in the debate. He had only to add that, in the science of Government as well as in law, all powers were trusts; and if, in fair construction, a grant of power might be extended beyond its strict literal import, to reach the exigencies of the trust, so also should powers granted in general terms be limited by a due consideration of the purposes of the trust for which they were conferred. He remembered many instances in which construction and inference had been resorted to (and some in which he thought they had been pushed to extremes) for the purpose of enlarging the powers delegated to this Government; but he knew of no instance hitherto in which they had been admitted, when resorted to for the purpose of imposing limitations.

And now, said Mr. L., I have to call the attention of the Senate to another topic, to which I feel myself bound to advert, and yet approach it with a sense of pain. I mentioned the other day that I had received a pamphlet, purporting to be a commentary on a book recently published by an eminent divine, and containing many extracts from the book, which at once afflicted and alarmed me. I have since read the book itself; its title is, "Slavery, by William E. Channing," printed at Boston, 1835. And I must say that I have never risen from the perusal of any book with a feeling of deeper sorrow. It has had the effect of weakening the chief remaining ground of hope in my mind that the incendiary schemes of the abolitionists in the Northern States, the system of agitation they have organized, the war they are kindling against the peace and happiness of the South and the harmony of the Union, would be effectually counteracted and suppressed by the efforts of our fellow-citizens of the non-slaveholding States themselves;

for, whether I consult my heart or understanding, I had much rather counteraction and suppression should be their work, than that we should have to rely on our own prudence and energy to avert the danger. The hope that the legislative authorities of the non-slaveholding States would concert and adopt measures to suppress and punish the conspiracy (for such in truth it is) which has been formed against us, and which our political connexions with them serve to make more formidable, has been long waning, and is now almost gone. My chief ground of hope then was, that the great mass of well-informed, wise, and influential men, and the good sense, justice, and patriotism, of the great body of the people in the non-slaveholding States, combining to discountenance the wicked enterprises of the abolitionists, and the yet more wicked means by which they are working, could not fail to produce a state of public opinion that would alone suffice to lay the evil spirit of agitation, and restore the South to quiet and to confidence in the loyalty of our Northern brethren to their social relations with us. And, till I saw this book, this hope had not been disappointed. I have intimated this before, and I am most happy to repeat it. But here is a book published by Dr. Channing--a man whose former publications have taught me to admire, esteem, and respect him--a man eminent for his learning and abilities, and venerable for his piety; a minister of the gospel, too, than whom there is none more popular; a person who, on all these accounts, is likely to have, and (if I am rightly informed) does in fact possess, the highest influence over the public mind; a book written by Dr. Channing, of which the principal purpose apparent in every page, and, indeed, avowed, is to counteract the efforts of others to allay the excitement in the Southern States, by removing the causes of irritation; and to encourage the abolitionists to persevere in their designs, only counselling them to exercise the wisdom of the serpent, for he certainly thinks them not wanting in the meekness of the dove. I say, his purpose to counteract the efforts of those who are endeavoring to put down the schemes of the abolitionists, by imbodying public opinion into efficient action against them, is avowed; and I appeal to the following passage, in which he declares the motive and object of the publication:

"My work is done. I ask and hope for it the Divine blessing, as far as it expresses the truth, and breathes the spirit of justice and humanity. If I have written any thing under the influence of prejudice, passion, or unkindness to any human being, I ask forgiveness of God and man. I have spoken strongly, not to offend or give pain, but to produce in others deep convictions corresponding to my own. Nothing but a feeling, which I could not escape, of the need of such a work at this very moment, has induced me to fix my thoughts on so painful a subject. The few last months have increased my solicitude for the country. Public sentiment has seemed to me to be losing its healthfulness and vigor. I have seen symptoms of the decline of the old spirit of liberty. Servile opinions have seemed to gain ground among us. The faith of our fathers in free institutions has waxed faint, and is giving place to despair of human improvements. I have perceived a disposition to deride abstract rights, to speak of freedom as a dream, and of republican Governments as built on sand. I have perceived a faint-heartedness in the cause of human rights. The condemnation which has been passed on abolitionists has seemed to be settling into acquiescence in slavery. The sympathies of the community have been turned from the slave to the master. The impious doctrine that human laws can repeal the Divine, can convert unjust and oppressive power into a moral right, has more and more tinctured the style of conversation and the press. With these sad and solemn views of society, I could not be silent; and I thank God, amidst the consciousness of great weakness and imperfection, that I have been able to offer this humble tribute, this sincere though feeble testimony, this expression of heart-felt allegiance, to the cause of freedom, justice, and humanity."

I have said, too, that the object of the author is to encourage the abolitionists to perseverance; and for the truth of that remark I might refer to a whole chapter on "abolitionism," in which he does indeed "censure" them, (as he expresses it,) but only for want of prudence; while he expresses his sympathy with them, his approbation of their motives and general designs, and his abhorrence of the persecutions they are undergoing; points out the errors they have committed, the chief of which is the adoption of an organized system of agitation; and yet assures "these persecuted abolitionists" that they "have the sympathies of the civilized world." The expression of his opinion of these "agitators," and his feelings towards them, seem, to me far better calculated to encourage them to persevere in their efforts and in their plans of operation, than his monitions can possibly be to turn them from the errors, not of their designs, but only of their ways. Hear what he says:

"I approach this subject [abolitionism] unwillingly, because it will be my duty to censure those whom, at this moment, I would on no account hold up to public displeasure. The persecutions which the abolitionists have suffered and still suffer awaken only my grief and indignation, and incline me to defend them to the full extent which truth and justice will admit. To the persecuted, of whatever name, my sympathies are pledged, and especially to those who are persecuted in a cause substantially good. I would not, for worlds, utter a word to justify the violence recently offered to a party, composed very much of men blameless in life, and holding the doctrine of non-resistance to injuries; and of women, exemplary in their various relations, and acting, however mistakenly, from benevolent and pious impulses. Of the abolitionists I know very few; but I am bound to say of these, that I honor them for their strength of principle, their sympathy with their fellow-creatures, and their active goodness. As a party, they are singularly free from political and religious sectarianism, and have been distinguished by the absence of management, calculation, and wordly wisdom. That they have ever proposed or desired insurrection or violence among the slaves, there is no reason to believe. All their principles repel the supposition."

"The persecutions which the abolitionists have suffered and still suffer!" What persecutions? Does Dr. Channing allude to the *concensus omnium bonorum*, that all peaceful means should be adopted to allay the rising excitement in the South, and to remove the known causes of irritation? Or does he allude to the interference of the people of Boston, and in other Northern towns, to disperse their meetings, held, it would seem, by way of bravado, in defiance of the known public sense of the mischief they were doing? Or does he allude to the few white men who were hanged in Mississippi last summer, on the charge of actually inciting insurrection? Did those men really belong to the society of abolitionists? Or does Dr. Channing only mean to give his countenance to the cry of persecution that has been raised by the abolitionists, without knowing what they well know, that the cry of persecution, if they can raise it with success, will give them new strength? "There is no reason to believe that they have ever proposed or desired insurrection or violence among the slaves." If Dr. Channing had said there was no reason to believe that they have ever avowed such a purpose, he would have stated the truth, without doubt; but if he had seen the incendiary papers, of all kinds, which they poured into the South during the last summer, I am quite sure he himself would not have required any other evidence of the malignity and criminality of their purposes.

But I cannot help doubting whether Dr. Channing is sufficiently informed upon this subject to be capable of judging what publications are incendiary in their tendency. It is hard to doubt the sincerity of his professions of charity towards his slaveholding fellow-citizens of the South; it is yet harder to distrust his earnest disclaimer of intention, in what he publishes in his own book, to act at all on the minds of the slaves themselves; and I have not the heart to feel such doubt or distrust of him. I will not; I cannot. But I ask the attention of the Senate to the following passage in his work, which is one out of many of the like temper that might be quoted: "We have thus seen that a human being cannot rightfully be held and used as property. No legislation, not that of all countries or worlds, could make him so. Let this be laid down as a first, fundamental truth. Let us hold it fast, as a most sacred, precious truth. Let us hold it fast against all customs, all laws, all rank, wealth, and power. Let it be armed with the whole authority of the civilized and Christian world." Now, if Dr. Channing does not know that such language as this is in its nature and tendency incendiary, I insist that he ought not to write upon any subject he so little understands; and if he did know it—but that I cannot, will not, believe—I am not, and I will not permit myself to be, wanting in heart-felt charity towards him, however cold must be his charity towards so depraved a being as he probably suspects me to be, in common with all Southern slaveholders. Does he think that these doctrines of his can never reach the ears of the negro race? If I thought so, if I did not believe that they have already reached them, I should not have repeated them in this place.

Dr. Channing professes, in the beginning of his book, to address himself, not to the slave, but to the master race: "It is not," says he, "by personal, direct action on the mind of the slave that we can do him good. Our concern is with the free; with the free we are to plead his cause." And, towards the close of the work, in the advice he gives us as to the "means of removing slavery," he says, yet more formally, "how slavery shall be removed, is a question for the slaveholder, and one which he alone can fully answer. He alone has an intimate knowledge of the character and habits of the slaves, to which the means of emancipation should be carefully adapted. General views and principles may and should be suggested at a distance; but the mode of applying them can be understood only by those who dwell on the spot where the evil exists. To the slaveholder belongs the duty of settling and employing the best means of liberation, and to no other. We have no right of interference, nor do we desire it." And in the chapter which he devotes to the correction of the errors of the abolitionists, (who, I doubt not, understand the end they are aiming at, and the means best adapted to the end, rather better than their monitor,) he says: "the adoption of the common system of agitation by the abolitionists has proved signally unsuccessful. From the beginning, it created alarm in the considerate, and strengthened the sympathies of the free States with the slaveholder. It made converts of a few individuals, but alienated multitudes. Its influence at the South has been evil without mixture. It has stirred up bitter passions and a fierce fanaticism, which have shut every ear and every heart against its arguments and persuasions. These effects are the more to be deplored, because the hope of freedom to the slave lies chiefly in the dispositions of his master. The abolitionist proposed, indeed, to convert the slaveholders; and, for this end, he approached them with vituperation, and exhausted on them the vocabulary of abuse! And he has reaped as he sowed. His vehement pleadings for the slaves have been answered by wilder ones from the slaveholder; and, what is worse, deliberate defences of slavery have been sent forth, in the spirit of the dark ages, and in defiance of the moral convictions and feelings of the Christian and civilized world. Thus, with good purposes, nothing seems to have been gained. Perhaps (though I am anxious to repel the thought) something has been lost to the cause of freedom and humanity."

Now, let us see how Dr. Channing practises the precepts he delivers to the abolitionists, and how (professing to address himself to his slaveholding fellow-citizens) he avoids the errors he imputes to them. In the first place he says, and that, too, by way of apology for us, and as a motive of charity towards us, that "a man born among slaves, accustomed to this relation from his birth, taught its necessity by venerated parents, associating it with all whom he reveres, and too familiar with its evils to see and feel their magnitude, can hardly be expected to look on slavery as it appears to more impartial and distant observers." This is only an expression of the common opinion of the abolitionists in England and America, that they, who have no experience on the subject, are better able to comprehend the evil, and to devise the corrective, than any person born, bred, and living, in a slaveholding country; because, though we have better opportunities of information, our minds are necessarily clouded by interest and the prejudices of education and habit. But Dr. Channing has other opinions of us, which (coming with the gospel in his hand to admonish us for our own good) he thinks proper to announce to us in these words: "I approach a more delicate subject, and one on which I shall not enlarge. To own the persons of others, to hold females in slavery, is necessarily fatal to the purity of a people. That unprotected females, stripped by their degrading condition of woman's self-respect, should be used to minister to other passions in men than the love of gain, is next to inevitable. Accordingly, in such a community the reins are given to youthful licentiousness. Youth, every where in perils, is in these circumstances urged to vice with a terrible power. And the evil cannot stop at youth. Early licentiousness is fruitful of crime in mature life. How far the obligation to conjugal fidelity, the sacredness of domestic ties, will be revered amidst such habits, such temptations, such facilities to vice, as are involved in slavery, needs no exposition. So terrible is the connexion of crimes! They, who invaded the domestic rights of others, suffer in their own homes. The household of the slave may be broken up arbitrarily by the master; but he finds his revenge, if revenge he asks, in the blight which the master's unfaithfulness sheds over his own domestic joys. A slave country reeks with licentiousness. It is tainted with a deadlier pestilence than the plague."

I am not going to enter into a refutation of these imputations, or the reasonings they are founded on. I shall content myself with declaring my conscientious belief that there is no society existing on the globe, in which the virtue of conjugal fidelity, in man as well as woman, and the happiness of domestic life, are more general than in the slaveholding States. I can find an apology for Dr. Channing's errors of opinion in an apology he makes for the errors of others. "As the intellect, in grasping one truth, often loses its hold of others, and, by giving itself up to one idea, falls into exaggeration, so the moral sense, in seizing on a particular exercise of philanthropy, forgets other duties, and will even violate many important precepts, in its eagerness to carry one into perfection." But I can find no apology for his publication of such opinions of his slaveholding fellow-citizens. Surely he cannot think that it is calculated to conciliate a favorable hearing from us of his arguments and admonitions! The Tappans and the Garrisons have never (that I know of) "approached us" with any harsher "vituperation;" and Dr. Channing, too, must expect to "reap as he has sowed." But as to the reasonableness of the opinion that "a slave country is reeking with licentiousness," that "it is tainted with a deadlier pestilence than the plague," is it possible that Dr. Channing can believe that there is less temptation, of the kind he speaks of, in the Northern towns than in our Southern slaveholding country? Are they, too, "tainted with a pestilence deadlier than the plague?" Has he never read the authentic accounts of the condition of the operatives of England, touching their impurity, in the very particular as to which he impugns ours? And does he, notwithstanding, ascribe this "pestilence deadlier than the plague" to the existence of domestic slavery among us? I hope and I believe that the operatives in our own manufacturing States are in a far happier and more elevated condition, moral and intellectual.

Dr. Channing adds what is, if possible, yet more offensive to us, and revolting to others. He says: "But the worst is not told; as a consequence of criminal connexions, many a master has children born into slavery. Of these, most, I presume, receive protection, perhaps indulgence, during the life of the fathers; but at their death not a few are left to the chances of a cruel bondage. These cases must have increased, since the difficulties of emancipation have even multiplied. Still more, it is to be feared that there are cases in which the master puts his own children under the whip of the overseer, or else sells them to undergo the miseries of bondage among strangers. I should rejoice to learn that my impressions of this point are false. If they be true, then our own country, calling itself enlightened and Christian, is defiled with one of the greatest enormities on earth. We send missionaries to heathen lands. Among the pollutions of heathenism I know nothing worse than this. The heathen who feasts on his country's foe may hold up his head by the side of the Christian who sells his child for gain—sells him to be a slave. God forbid that I should charge this crime on a people! But however rarely it may occur, it is a fruit of slavery, an exercise of power belonging to slavery, and no laws restrain or punish it. Such are the evils which spring naturally from the licentiousness generated by slavery."

Dr. Channing cannot be allowed, in one breath, to make the charge and to disclaim it: he has made it in as strong terms as he possibly could. I shall not deny that there are men of depraved, cruel, ruthless hearts in the slaveholding States, and that such facts as he mentions may have occurred. But is it reasonable, is it charitable, to allege such iniquities as a reproach against our national character? Within the last year, I seen have several accounts of parents exposing their new-born infants in the city of New York—leaving them to the chance of being saved by casual humanity, or perishing of hunger and cold: is there a man in his sound senses that would deduce from such facts matter of reproach against the people of that city? No state of society has ever been exempt from crime, and atrocious crime. But I believe that the judicial records of this country will show that the number of crimes, and especially those of deepest atrocity, committed in the non-slaveholding States is much greater than those committed in the non-slaveholding States. Shall I, therefore, institute any uncharitable comparisons between the two states of society, or deduce conclusions injurious to that of the non-slaveholding States? Heaven forbid! It is the habit of my mind, it is the habit of my conversation, to avoid such comparisons and such conclusions; and I can find a reason for the fact I have mentioned in the greater density of population in the non-slaveholding States.

Dr. Channing, in considering the objections made against abolition, (as to which his information is extremely imperfect,) supposes that "the most common objection is, that a mixture of the two races will be the result;" and then he asks, "Can this objection be urged in good faith? Can this mixture go on faster, or more criminally, than at present? Can the slaveholder use the word amalgamation without a blush?" I do not quote the passage to complain (as well I might) of the taunting manner in which it is put, but only to remark that it is absolutely wonderful how little amalgamation has taken place in the course of two centuries.

The taunts of Mr. O'Connell raise in my mind no other sentiment than scorn. He, I believe, is actuated by the pure love of mischief. He is the incarnate spirit of agitation. His own country, it seems, is too narrow a field for him. He would, if he could, throw every nation on the earth into commotion, and glory in the mighty hubbub, as an exhibition of his power. But Dr. Channing is a man of very different, and, in my opinion, far higher character; and the opinions of such a man, impugning the moral character of the whole slaveholding population of this country, published to the world, and published for conscience sake, are not to be scorned. His work, so far as it is intended for the free of the non-slaveholding States, may be calculated to produce the effect he designs, though I hope he will be disappointed even there. But so far as it is addressed to the free of the slaveholding States, it can only tend to kindle new excitement; and, so far as it may affect the dispositions of the slave race, its tendency is to mischief, nothing but mischief.

It is a most ill-timed and most injudicious work. It is remarkable for a singular inattention to and disregard of the political considerations which belong to the subject, and cannot possibly be separated from it, owing, perhaps, to an ignorance of them. I may well apply the language in which Sallust portrays Catiline—not to Dr. Channing, (for I cannot with candor and truth apply such language to him,) but to his book: *satis eloquentiæ, sapientiæ parum.* He discusses the question of right in slave property, apparently, without the least idea of the principle in which such property originated, which, whether it is a sufficient foundation for the right or not, is yet well known and understood; he represents the cruel wrongs, the grinding oppression and misery, to which our slaves are subjected, and aggravates them by all the arts of eloquence, without considering at all the peculiar character of the negro race, without any clear understanding of the very peculiar relation between master and slave, and without any knowledge of the compensations which Providence has ordained to ameliorate his condition, and which make him, notwithstanding his bondage, contented and happy, and would keep him so, if a misguided philanthropy would forbear its officiousness. He condemns the traffic in slaves, without appearing to know that the most cruel evil that could be inflicted on them would be to attach them to the soil; that that would result in exterminating slavery, indeed, but only by exterminating the slave race.

But this is no time or place for the discussion of the subject. However, let me ask whether it never occured to Dr. Channing to observe that the ratio of increase of the slave population is as great as that of the white race, and indeed somewhat exceeds it, (for the former is liable to fewer casualties than the latter,) and that this fact alone affords the strongest argument to prove that our slaves are not subjected to that grinding oppression and misery which, reasoning without much, if any, experience, he has deduced as an unavoidable consequence of domestic slavery? He paints in vivid colors the evils of slavery; did it never occur to him to exercise his sagacity in counting the probable evils of insurrection or of emancipation? As to insurrection, the evil consequences of that to the white race will chiefly affect the value of their property; the mischief to us, in any other point of view, however horrible, must be only partial and temporary; and though blood will flow in streams, it will not be our blood. And as to a general emancipation, if it could by any human wisdom be accomplished, it would kindle a war of extermination of which one or the other race would be the victim—which, no thinking man needs to be informed of.

The friends of abolition have only to remember the mobs in Cincinnati, Philadelphia, and New York, unaccountably incited against the very few free negroes living in those cities, to have a faint idea of the consequences which would follow from a general emancipation in the slaveholding States. It is peculiar to the character of this Anglo-Saxon race of men to which we belong, that it has never been contented to live in the same country with any other distinct race, upon terms of equality; it has, invariably, when placed in that situation, proceeded to exterminate or enslave the other race in some form or other, or, failing in that, to abandon the country. [Here Mr. L. recounted several historical instances.] But enough. I hope, in what I have said of Dr. Channing, I have not been wanting in charity towards him. But as for this book of his, he will neither be surprised nor offended if I should be unwilling that my brethren, either of the non-slaveholding or of the slaveholding States, much more that my own children, should believe that I admit his opinions of the slaveholding country to which I belong are well founded in fact.

Mr. CALHOUN called for the reading of the petition, and it was accordingly read.

Mr. C. then observed that he did not rise to say one word on the subject of these petitions, which he considered had been sufficiently elucidated by the very able argument just heard, of his friend from Virginia. He did not know when he heard an argument more forcible, more full, more modest, and more comprehensible. He rose to make some remarks on the particular petition then before the Senate, which had been selected from the others, to induce a part of the Southern delegation to consent to receiving it. It was certainly, he admitted, less objectionable in its language than the petition coming from the ladies of the same State. This memorial, however, contained language highly reprehensible. It spoke of "dealing in human flesh." Will our friends of the South, said Mr. C., agree that they keep shambles, and deal in human flesh? And this petition was selected from the others, and pushed forward, in order to obtain the votes of gentlemen from the South. There was another phrase in the petition to which he objected. It speaks of us, said Mr. C., as pirates. Strange language! Piracy and butchery? We must not permit those we represent to be thus insulted on that floor. He stood prepared, whenever petitions like this were presented, to call for their reading, and to demand that they be not received. His object was to prevent a dangerous agitation, which threatened to burst asunder the bond of this Union. The only question was, how was agitation to be avoided. He held that receiving these petitions encouraged agitation, the most effectual mode to destroy the peace and harmony of the Union.

Mr. WRIGHT said he considered it to be his duty to trouble the Senate with a very few remarks before the pending question was put. He did so with extreme reluctance, arising from the deepest conviction that this whole subject had better not have been debated at all; that these petitions had better have been suffered to take their usual course, the course they had taken every year when he had been a member of either House of Congress; the course of other petitions: of being permitted to be read at the Clerk's table, and referred to the appropriate committee. His reluctance was greatly, and perhaps he might say principally, increased by the consciousness that the whole subject was surrounded with difficulties; that it was excitable in every aspect; that the different sections of the Union were liable to different affections from the expression of the same sentiment; and that some unmeasured phrase, or some imprudent remark, might fall from him, which, unintentionally on his part, might increase, rather than allay excitement, in the one portion or the other of the country.

Yet he felt that he should not discharge the duty incumbent upon him, or properly represent his constituents, if he permitted this question to be decided without saying any thing. Had he been able, otherwise, to content himself to give a silent vote, he could not do so now, since the extracts read by the honorable Senator from Virginia, [Mr. Leigh,] from the late publication of the Rev. Dr. Channing, a book he had never seen, and of the contents of which he was wholly ignorant, any farther than the very limited quotations of that honorable Senator had made him acquainted with them. He was prepared, however, from those extracts alone, to say that, however distinguished, however pure, however pious, and however well intended, the author of that work might be, in issuing to the public such a book, he had shown himself as ignorant of the opinions and feelings of the great mass of the citizens of the non-slaveholding States, as he had, in the quotations made, of the merits and virtues of the people of the South. He (Mr. W.) was ready to pronounce, in his place, that the publication, in the spirit in which it seemed to be written, as grossly abused the Northern feeling as its language did the Southern morals.

When such representations of the sentiment of the North came from such sources, it was incumbent upon him to convince the Senator from Virginia, the Senate, and the public, that a belief in them, as the sentiments of the non-slaveholding States, would be doing violent injustice to those States, and to the patriotism and opinions of their citizens.

Mr. W. said he was not to discuss the subject of slavery in the abstract. He knew it, and the people of the North, as a body, knew it only as it existed under the constitution of the United States, and was sanctioned by it. They thought of it in that light, and in that light only, so far as its existence in these States is concerned, and so far as the quiet of the country and the preservation of the Union are involved in any agitation of the subject. In that sense, it was not a question for discussion in that body.

Neither, said Mr. W., was he to debate the question of slavery in the sovereign States of this Union. The sacred and invaluable compact which constitutes us one people, had not given to Congress the jurisdiction over that question. It was left solely and exclusively to those States, and, in his humble judgment, it ought never to be debated here in any manner whatever.

Mr. W. said he would go farther, and say that he did not purpose to trouble the Senate with a discussion upon the propriety of any action on the part of Congress in reference to the abolition of slavery in the District of Columbia, or in regard to the constitutional power of Congress over that subject. He had listened with pleasure and profit to the able argument of the honorable Senator from Virginia, [Mr. Leigh,] upon the powers of Congress, and had marked his concessions of power equal to that possessed by the Legislatures of the respective States of Maryland and Virginia over the same subject within those States. He had not studied the question himself, because he was able to mark out his own course, with perfect satisfaction to his own mind, without examining either the constitutional powers of Congress, or the powers of those State Legislatures. He was ready to declare his opinion to be, that Congress ought not to act in this matter, but upon the impulse of the two States surrounding the District, and then in a manner precisely graduated by the action of those States upon the same subject. Had the constitution, in terms, given to Congress all power in the matter, this would, with his present views and feelings, be his opinion of the expedient rule of action, and entertaining this opinion, an examination into the power to act had been unnecessary to determine his vote upon the prayer of these petitions. He was ready promptly to reject their prayer, and he deeply regretted that he was not permitted so to vote without debate.

The refusal to receive the petitions, Mr. W. said, was, to his mind, a very different question. That was the question now presented. If the refusal should be sanctioned by the Senate, upon the broad ground of the subject prayed for, and not upon the distinct objection of indecorous language or matter in the petition itself, it would be considered and felt, in many sections of the country, as a denial of the constitutional right to petition, and, as such, would be infinitely more calculated to produce and increase, than to allay, excitement. The prompt rejection of the prayer of these petitions would express the sense of the Senate, in the most marked and decisive manner, against the objects of the petitioners. The refusal to receive the petitions would raise a new issue, infinitely more favorable, as he deeply feared, to the schemes of these mad incendiaries than all which had gone before this proposed step.

He entreated, he said, his brethren of the South to reflect before they gave this immense advantage to the agitators. He was aware that the Southern feeling must be sensitive, perhaps beyond his ability to estimate, upon this subject of domestic slavery. The constitutional rights, the personal and private interests, the domestic peace and domestic security, of the people of the slaveholding States, compelled them to feel deeply and keenly upon every agitation of this delicate question. He could not be insensible to the existence of these feelings, or to their justice. Yet, might he not appeal to members of this body from those States, and ask them to remember that excitement, growing out of the same subject, was also prevailing in the non-slaveholding States? That the public mind in those States had become aroused to the subject? That a limited number of individuals, from what motives he would not attempt to say, were making it their calling and business to increase that excitement, and to make it universal? And might he not claim that the action of the Senate should be such as would be most likely to calm the excitement in all the States and in every section of the Union?

What, then, Mr. W. asked, was the action most likely to produce this result, a result, he must believe, most highly desired by every member of the Senate? To answer this inquiry he must detain the Senate with a short examination of the true state of public opinion in the non-slaveholding States, in relation to the movements of the abolitionists, as manifested and published to the world since the last adjournment of Congress. He should confine his statements upon this point to the State which he had the honor, in part, to represent here, because his information in reference to that portion of the North was more minute and authentic, and because he was satisfied that the general feeling of the citizens of his State, upon this point, was equally the general feeling of all the non-slaveholding States.

He would then say that he did not know of a single meeting of citizens in his State, convened for the purpose of considering the civil and political condition of the country, during the whole summer and autumn now last past, of whatever political party the meeting might be, one single instance to which he should have occasion hereafter to refer being alone excepted, which had not made the most distinct and firm expressions against the efforts of these agitators. In addition to this evidence of the almost entire feeling of the citizens of the State, obtained from these ordinary assemblages of citizens, he need only remind the Senate, to bring the fact to the distinct recollection of every member of the body, that immense public meetings, composed of men of all grades of talent and influence, of all parties in politics, and of all sects in religion, had been held in almost every populous town in New York, for the express purpose of giving to the country, and especially to their brethren of the South, the public sentiment and public reprobation of the efforts of the few fanatics whose exertions to agitate the question of slavery were considered as infringing upon the constitutional rights of the slaveholding States, as calculated to disturb the peace of those States, and, what was considered of infinitely more importance, to endanger the harmony and perpetuity of the Union. The expressions of these meetings (Mr. W. said) had neither been weak nor equivocal. They had breathed a spirit of patriotism, of generous feelings towards their brethren of the South, and of attachment to the Union, which he was sure his Southern friends would appreciate and reciprocate.

It became now his duty, and he performed it with no small degree of mortification, to speak of the exception to which he had referred. All within the hearing of his voice would recollect that, during the summer or fall, notice was given to the public of a State convention of abolitionists, to be held at the city of Utica, in the State of New York, in the month of October last, according to his present recollection of the time. The notice appeared formidable, from the array of names appended to it, they being several hundred in number, and exhibiting among them a large proportion of the names of preachers of the gospel of peace. It gave him unfeigned pleasure to say that time proved that many of these names, and those of individuals by no means the least respectable in character and standing and influence, had been appended to the notice without the consent or authority of the persons whose names they were, and, in many instances, in open and direct opposition to the wishes and feelings of the individuals.

Still the notice had the effect of causing delegates to be appointed to attend the proposed convention, from too many places in the State, and the design of holding the convention was persevered in. A short time before the day fixed for assembling this body of agitators, application on their behalf was made to the municipal authorities of the city of Utica, for leave to use a public building within the city, erected at the expense of the citizens of the town, as the place for the meeting of the convention. Through an excess of complaisance, or a mistaken feeling of indulgence, the required permission was given by the Common Council of the city. No sooner was this fact made known to the citizens, than a public meeting was called, and resolutions of the most distinct and decisive character passed, declaring that the public building in question, erected at their expense, and for their use, should not be prostituted to so mischievous a purpose; and that the proposed convention should not occupy it. This meeting was a voluntary assemblage of the inhabitants of the town, and of course unauthoritative; but, to make themselves sure of their object, and to carry their resolves into certain effect, the meeting was adjourned to reassemble in the same public building proposed to be occupied by the abolition convention, and on the same day when that convention was to meet. At an early hour of the day designated, the public building in question was filled with the citizens of the town, and not an abolitionist was known to enter it. Soon, however, the assemblage was informed that the proposed convention was assembling at a church in the vicinity, for the purpose, as it was believed, of showing upon paper, the proceedings of a State convention of that character. A committee, consisting of twenty-five members, selected from the most respectable and influential inhabitants of the town, was instantly appointed, and instructed by the meeting of citizens to repair to the church and inform the convention of the wishes and determination of the inhabitants of Utica, that their city should not be made the headquarters for their mischievous movements. The committee obeyed the order of the meeting; made their way into the church, and announced their errand and their instructions to the assembled convention, when, fortunately for the peace of the community, the convention dispersed, without attempting to proceed with their business.

Such, Mr. W. said, substantially, was the history which had been given to him by eye-witnesses of the most respectable character, of the attempt to hold a State convention of abolitionists at Utica, and of its results; and, for the credit of his usually orderly and peaceable constituents, he wished he could stop here, and give the full evidences of the feelings manifested on that occasion. The whole truth, however, went further; and he believed it due to the present occasion to give the whole truth. During the night of the day on which the convention had been thus dispersed, he had been further informed that some disorderly persons forced their way into a printing office in Utica, supposed to be owned by some of the agitators, and certainly devoted to their cause, and committed depredations upon the property of the office; among other acts of violence, throwing the types into the street. These persons, for this offence, had been brought before the magistracy, and put under recognisance to appear at the then next court to be held for the county, and answer for the act. Recent information told him they had appeared; that their cases had been presented to the grand jury, and that that jury, acting upon their oaths, had reported no bills against them.

There was one further fact, Mr. W. said, he ought not to omit, in giving the evidences of the correct state of public opinion, elicited by this attempt to hold an abolition State convention at Utica. One member of the committee of twenty-five appointed by the citizens to repair, and who did repair, to the church, and aid in dispersing this convention, was, at the time, before the people as a candidate for the State Senate. In about two weeks from the time of the transactions he had detailed, the name of this gentleman was presented at the polls throughout his Senate district, a district comprising from 250,000 to 300,000 of the population of the State, and not a shadow of opposition was made against his election from any quarter. Could this have happened if these agitators had possessed any hold upon the feelings of that people, the very people among whom they had proposed to raise the standard and commence their proceedings as a State society? Most assuredly it could not.

Again: Another individual of that committee was a distinguished member of the New York delegation in the other branch of Congress, and information just received announced his appointment by the Legislature of the State, by a strong and almost unanimous vote, to the highly responsible and important office of attorney general of the State. Such had already been the expressions of public opinion as to two of the members of the committee of the citizens of Utica, who were put forward, at an important moment, to suppress the agitators. Could there be any thing equivocal in expressions like these? Would the honorable Senator from Virginia, would any member of the Senate, or any citizen of the country, after such manifestations, permit their confidence in the soundness of the public feeling at the North to be shaken by such a publication as that referred to from Doctor Channing? He could not think they would. He most earnestly hoped they would not.

Mr. W. said he had mentioned these facts, and he might mention many others of a somewhat similar character, to show that the determined feeling of resistance to these dangerous and wicked agitators in the North had already reached a point above and beyond the law, and, if left to its own voluntary action, decisive of the fate of abolitionism in that quarter. Why, he would ask, were such manifestations of feeling found among those who were wholly uninterested in slave property? The answer was single and palpable. Their attachment to the constitution and the Union prompted it; and, if left to govern themselves by that attachment, there was no cause to apprehend danger. He appealed, then, in the kindest manner, and with great confidence, to the representatives of the slaveholding States to say whether it was now desirable, whether it was now wise, to attempt to force this feeling further.

For himself, Mr. W. said, he must say he considered it immensely important that the action of the Senate should be calm and considerate; that nothing should be done rashly; that no step should be taken which could by any, the most sensitive, be considered violent. He must repeat that any such action would put a weapon into the hands of the agitators more powerful, and much more to be feared, than all their efforts of a voluntary character. Such, he most deeply feared, would be a vote of the Senate, that petitions upon this subject, without regard to their language and character, should not be received by the body. He was not disposed, at the present time, even to discuss the question of the extent of the constitutional right to petition Congress, so strongly did he feel that discussion or debate of any sort upon this topic could produce only unmixed evil to every portion of the country. He was willing, for his present purpose, to place the question of reception or rejection upon the ground taken by the honorable Senator from Virginia, [Mr. Leigh,] and to consider it as a question of mere expediency; and he hoped that, in that sense, he had said enough to satisfy every member of the Senate that there would be great danger in the course proposed by the motion under consideration. Without discussing the question, he thought that every Senator would concede that a general impression prevailed among our whole people, of every portion of the Union, that the right to petition Congress, in respectful terms and a respectful manner, was one of the broadest rights secured by the constitution. Refuse it upon the broad principle, as relating to this subject, and these malignant agitators will seize upon the act to draw to themselves and their cause the public sympathy. They will represent themselves as having been denied their constitutional rights, and as being the subjects of unjust and unreasonable persecution; and, once able to occupy that ground plausibly, they will become vastly more dangerous than they can ever make themselves by any efforts of their own.

Mr. W. said it appeared to him that a unanimous expression of the Senate, if that could be secured, was of the greatest importance, as being much more calculated to allay excitement, in every portion of the country, than any peculiar form of expression which might be preferred by any sectional interest. Under this impression, he had hoped that the liberal and patriotic proposition of his friend from Pennsylvania [Mr. Buchanan] would have been adopted by universal consent; that these petitions, and all others upon the same subject, if not clearly exceptionable in their language and manner, would be received, be permitted to be read at the Clerk's table, if desired, and then that the prayer of each would be promptly rejected, without one word of debate, and by the vote of every Senator. He yet hoped the Senate would consent to take that course. Its effect would be, in his judgment, most eminently calculated to allay excitement every where, and every where that effect was most desirable. A political or geographical vote could not have that effect any where; and therefore he hoped not to see such a vote.

A single other remark, (Mr. W. said,) and he would occupy the attention of the Senate no longer. The gentlemen from the South assure us they have no apprehensions for their safety, and for the safety of their respective States, let the present excitement result as it may. It was pleasant to him to hear these assurances. They were calculated to do good every where; but he must say, in sheer justice to the non-slaveholding States, that they should not be made in a manner to carry with them the implication that our fellow-citizens of the South are to meet enemies in the great body of the citizens of the North. Such is not the fact—they are friends to the South; friends to the constitutional rights of the South; friends to the peace of the country; friends to the preservation of the Union of these States; and they will, upon all occasions, and in every place, perform all their constitutional duties as pointed out by the honorable Senator from Virginia, [Mr. LEIGH.] They will, upon every call, most cheerfully lend their aid to quell insurrection, not promote it, they will open their arms, not present their bayonets, to all their fellow-citizens, of whatever section of the Union.

Mr. CALHOUN could not concur with the gentleman from New York that so much delicacy was to be shown to the very small part of his own State he referred to, that these petitions were not to be rejected, lest the refusal to receive them might be considered as a violation of the right of the citizen to petition Congress. But, (said Mr. C.,) does the gentleman look at our side of the question? If his constituents (continued Mr. C.) are to be treated with so much respect, that their petitions are to be received, what is to be considered as due to our constituents? The Senator considered the petition before the Senate as moderate in its language—he did not say otherwise—language (said Mr. C.) which treats us as butchers and pirates. The Senator said that they must receive this petition, and reject it, lest it might be considered as violating the right of petition. To receive it, and immediately reject it. This looked something like juggling. Was the petition of sufficient consequence to be received, and at the same time of so little consequence as to be immediately rejected? Was it intended merely that this petition was to be put on the files of the Senate as a record to show the opinion entertained of the people of the South by these abolitionists? The Senator told them that this abolition spirit had subsided at the North. He told them that this convention of Utica, which he spoke of as an exception to the general in his State, was compelled to disperse. Well, within a few days a newspaper, published at Utica, had been handed to him, called Oneida Standard and Democrat. He supposed the gentleman was acquainted with its character; it was headed "For President, Martin Van Buren, of New York; for Vice President, Richard M. Johnson, of Kentucky." This paper contained a most violent attack on the Southern States and their institutions.

[Mr. WRIGHT explained. He only wished to state that it was the office where this paper was published which had been forcibly entered, and the types thrown into the street, as he had before related; that it was for that offence against this paper, when the grand jury of the county refused to find bills of indictment; that neither himself nor his friends could be responsible for the names which such a paper might choose to place at its head; but that of this one fact he could assure the Senator, of his own knowledge, that no other paper in the whole State was more universally or distinctly understood to be hostile to the political party to which he belonged than this paper, and he did not doubt that its columns would establish his position.]

Mr. CALHOUN continued. He had always supposed that there was something inexplicable in the politics of New York, and the explanation of the gentleman confirmed the opinion. But to return to the petitions. The gentleman said that unanimity of opinion in the Senate was very desirable. He said so too. Let the gentleman and his friends join us, (said Mr. C.,) and in that way we can obtain unanimity of opinion. If, as the gentleman said, the petition was to be immediately rejected, why receive it at all? Would the gentleman say that a refusal to receive the petition would press in the slightest degree on the constitutional right of the people peaceably to assemble and petition for a redress of grievances? If the gentleman had made up his mind to reject the petition, he could have no insuperable objection to refuse to receive it He repeated, that so long as these petitions could be received in the Senate, so long would agitation on the subject continue. The question must be met on constitutional grounds, or not at all.

Mr. GOLDSBOROUGH observed that it seemed to be the wish on all sides to dispose of this subject. And the question was, what proposition was most likely to effect that object? If they received these petitions, they would be flooded with others of the same kind. If they rejected them, it might be imputed to something offensive in their language, and others would come in differently framed. When these petitioners see (said Mr. G.) that we act upon a proposition over which you cannot leap; they will say, here is erected an insuperable barrier to our applications, and our further efforts will be vain, and would end it. It is the desire of the gentleman from South Carolina [Mr. CALHOUN] to meet this proposition (said Mr. G.) on his motion not to receive these petitions. He was willing to vote so as to meet this single proposition; but not if it was to be considered as decisive of the action of the Senate upon the whole subject. He had another proposition, which he intended to bring forward for that purpose.

Mr. CALHOUN would only remark that these petitions might be rejected on various grounds. First, on the unconstitutionality of their object; second, for containing improper and disrespectful language; third, for the impropriety and unreasonableness of their prayers, and for the inexpediency of granting their requests.

Mr. MORRIS observed that, in presenting these petitions, it was his sincere desire to avoid any thing like agitation or excitement in that body. Although he had had these petitions in his possession for some days, he refrained from presenting them until he had an opportunity of observing what was done with others of a like tenor. The question now assumed a grave aspect. The constitutional rights of the people peaceably to assemble and petition for a redress of grievances was involved. On the subject of these petitions, it was not his desire at present to say one word; his wish was that the great question as to the right of the people of this Union to petition Congress might come up unembarrassed by the objections as to the language in which the petition was drawn. It seemed that these objections did not apply to the petition presented by the Senator from Pennsylvania, [Mr. BUCHANAN,] and he wished the question to be taken on that petition. He concurred with the Senator from South Carolina, [Mr. CALHOUN,] that there was no difference in substance between the last-named petition and those he (Mr. M.) had presented; that those who voted against receiving the one ought to vote against receiving the other. His wish was to disembarrass this question of the right of petition of the difficulties as to the language of the petitions, and he would therefore ask leave of the Senate to withdraw the one he had presented.

Mr. CALHOUN said the petition could not be withdrawn, if the yeas and nays had been ordered.

The SECRETARY (who was referred to) replied that the yeas and nays had been called for, but had not been ordered by the Senate.

The CHAIR said that the Senator from Ohio could undoubtedly withdraw a petition presented by himself before any question had been taken on receiving it. The yeas and nays, he understood the Secretary to say, had not been ordered.

Mr. MORRIS then withdrew the petition; when,

On motion of Mr. BUCHANAN, the Senate took up the petition presented by that gentleman from the Caln Quarterly Meeting of Friends, of Lancaster county, Pennsylvania, praying Congress to abolish slavery within the District of Columbia, together with the motion of Mr. B. that the petition be rejected. The question pending was the one raised by Mr. CALHOUN—"Shall the petition be received?"

Mr. CALHOUN called for the reading of the petition, and it was read accordingly.

On motion of Mr. MORRIS, the yeas and nays were ordered.

Mr. CALHOUN said that the language even of this petition was very strange. It held up the buying and selling of slaves in the Southern States to be as flagrant a wrong as the slave trade itself on the coast of Africa; declaring "that it was as inconsistent in principle, as inhuman in practice, as the foreign slave trade." The foreign slave trade, Mr. C. said, consisted in seizing on the Africans by violence, and selling them into slavery. Now, he was not willing to admit the parallel between slavery in the Southern States and this foreign slave trade. We ourselves, said he, have denounced this African slave trade, and made it piracy; though he did not himself believe that the offence could be properly designated as piracy, and ever should regret that this term had been applied to it in our laws. With regard to the petition, if he had no other objection to it than that of its using this language, he would not on that account receive it.

Mr. KING, of Alabama, said the question was now upon the reception or rejection of the petition presented by the gentleman from Pennsylvania from the society of Friends. Ever since he had known of this society he had considered them an orderly and peaceable people, and their petition was couched in respectful terms. He wished, as an individual and as a representative, to give all the individuals of the Union, of every class, a full enjoyment of the rights secured to them by the constitution. If we, said Mr. K., from the whim or excitement of the moment, refuse to receive these memorials, might they not abridge the right of petitioning? When the language was decent and respectful, it was the duty of every Senator to show it every mark of respect due to its character. And then, when it was received, if it was found to ask for an intermeddling with the constitutional rights of any of the States, to stamp it with the disapprobation it deserved.

The book of Mr. Channing to the contrary notwithstanding, he believed that nineteen twentieths of the people of the non-slaveholding States were as decidedly opposed to the agitation of this subject as those who were more immediately interested in the subject. If he doubted it he would have very different feelings from what he now entertained. He would then take a very different course in common with the people of the South to sustain their rights, and the matter would not be settled on this floor. He was happy, however, to say that he believed that day was far off. He believed those miserable fanatics would yet become enlightened, and the spell of their delusion would yet be dispelled. It might be philanthropy that actuated them, but if it was, it was philanthropy run mad. Anxious as he was that no excitement should grow out of this matter, his design was to give every individual his rights, he would vote for the reception of this petition. The magnanimous and patriotic stand taken by the gentleman from Pennsylvania, [Mr. BUCHANAN,] on this question, was worthy of himself and of the great State he represented, and was an earnest to him of the disposition of that and other Northern States to arrest the course of those deluded people in producing mischief here and elsewhere. After this petition was received, he was prepared to take the most efficient and energetic action to put a stop to this fanaticism.

Mr. CALHOUN had heard, with much regret, the argument of his friend from Alabama, [Mr. KING.] He understood the gentleman to put this question of receiving the petition on constitutional grounds. He asked the Senator if he was aware of the extent to which this doctrine would carry him. Was he prepared to receive petitions to abolish slavery in the navy yards and arsenals of the United States, in the Southern section of the Union? Was he prepared to receive petitions couched in abusive and indecorous language?

[Here Mr. KING said, No!]

The Senator answered no. Then I ask him, said Mr. C., to show the distinction between such petitions as he had described and the one before the Senate. If the right to have petitions received was constitutional, then there could be no qualification of that right. The Senator from Alabama, by saying no, surrendered the ground he had taken. Then, by what possibility, he asked him, was he prepared to receive petitions to abolish slavery in this District? If he was prepared to receive such petitions, what was to prevent him from receiving petitions to abolish slavery in every arsenal and navy yard in every State in the Union.

He confessed he was astonished at the gentleman's arguments. The right of petition was cautiously guarded in the constitution: "Congress shall make no law prohibiting the right of the people peaceably to assemble and petition for a redress of grievances." By these plain terms it was expressly limited; and yet, when gentlemen came to the petitions of these fanatics, for abolishing slavery in this District, they were disposed to enlarge the construction. I know, said Mr. C., that the Senator from Alabama represents constituents more deeply interested in this question than mine. The Southwestern States were more deeply interested than the South Atlantic States, as the former had a growing slave population, continually augmenting by purchases from Maryland, Virginia, North and South Carolina, and Georgia; and he was, therefore, the more astonished at his argument.

Not to receive these petitions was considered wonderfully disrespectful to these petitioners; but to receive and reject them immediately was considered entirely respectful. What did gentlemen mean? He could not, for the life of him, make out why gentlemen were so anxious to receive these petitions, when they were determined to reject them.

Mr. MOORE did not rise to procrastinate this discussion. He desired more time for reflection before he recorded his views, particularly since his colleague had indicated the course he intended to pursue. He could not see the propriety of the gentleman from Pennsylvania in offering the petition he had presented, and forthwith moving to reject it. If I had a petition to present here, said Mr. M., the consideration that would induce me to move its rejection would induce me to withhold it.

Mr. M. then moved an adjournment, and

The Senate adjourned.

WEDNESDAY, JANUARY 20.

During the transaction of the business of the morning,

Mr. CLAY, from the Committee on Foreign Relations, moved that the committee be discharged from the further consideration of such parts of the special message of the President of the United States as relate to the augmentation of the navy, and the subject of defences on our maritime frontier. He was not instructed to move the reference of these subjects to any other committee, as such motion did not seem to come within the duty of the Committee on Foreign Relations.

The committee was accordingly discharged from the further consideration of the subject.

On motion of Mr. WEBSTER, so much of the special message as relates to the augmentation of the navy was referred to the Committee on Naval Affairs, and so much as relates to fortifications to the Committee on Military Affairs.

ADMISSION ON THE FLOOR OF THE SENATE.

The following resolution, offered by Mr. KING, of Alabama, was taken up and considered:

Resolved, That the resolution adopted on the 7th ultimo, admitting certain public officers of the United States, and others, to the floor of the Senate, as spectators, be amended by inserting "the Solicitor of the Treasury."

Mr. LINN moved to amend the resolution by adding "the paymaster general, quartermaster general, commissary general, principal of the topographical bureau, principal geologist, principal of the engineer bureau."

Mr. CLAYTON moved also to add "the clerk and the reporter of the Supreme Court."

The amendments were agreed to, and the resolution, as amended, was adopted.

NATIONAL DEFENCE.

The resolution submitted by Mr. BENTON, for appropriating the surplus revenue to purposes of national defence, was taken up as the order of the day; when

Mr. CUTHBERT observed that the remarks he should make on the question then pending would be very few in number, and very circumscribed in their extent. The message which had just been received from the Executive, containing such important matters for the consideration of that body, rendered it the less necessary for him to enlarge on the subject, even had it been his intention to do so. He should, therefore, occupy but little of the time of the Senate on the present occasion. As all discussions of this subject must, from its peculiar character, be of a delicate nature, it was proper for him to wish to avoid giving offence by any expressions which he might use in the heat of debate. He would, therefore, express it as his opinion that there breathed not one American who was desirous of a war with the French nation; that there breathed not one American who would not avert it if in his power; that there was not one who would not consider it an unnatural conflict between two nations bound to each other by the powerful ties of interest and feeling; and that there breathed not an American who would, even for the sake of peace, with all its blessings, be willing to sacrifice the honor of his country. With these qualifications, he begged that no construction of an offensive nature might be put on any phrases or expressions he might inconsiderately use in the hurry of debate. Let me, then, (said Mr. C.,) urge to those gentlemen who may be considered in opposition to the Government, but who, in reference to that body, solely, (the Senate,) were the Government itself, and regulated all its movements, that the part they had to act was an important one, and deeply concerned the honor and interests of their country. It was their duty to prevent any foreign nation from falling into the delusion that this might be a divided people; it was doubly their duty to do so, for they had taken it upon themselves to act as moderators in the controversy between their own Government and that of another country. If (said Mr. C.) they have thus taken it upon themselves to act as moderators, they ought to show to the foreign nation that they will preserve a proper portion of firmness with their mildness, and that, although they are anxious to conciliate, they will maintain, at all hazards, the honor and interest of their country. Was this observation a just one? It was. Did it carry its force to every American bosom? It did. And it was with this view of the subject that he should briefly occupy the attention of the Senate.

The Senator from Massachusetts, as chairman of the Committee on Finance, on the last day of the last session, reported a bill which had been returned with amendments to the other House; which had come back with an additional amendment to the Senate; and which amendment having been rejected, and the rejection adhered to, the bill was lost. It had been made a question on this very principle, that foreign Governments were not to be deluded with the idea of any division here, whether the course of the gentleman was a correct one. He thought it was not. He had always thought that, in the defeat of the bill commonly called the "fortification bill," the course of the gentleman on the last evening of the last session was, to say the least of it, indiscreet. The gentleman declared to the Senate, and to all the world, that it was not by his means that a bill so important to the nation, and in such a doubtful posture of our foreign relations, suffered a failure. He (Mr. C.) thought otherwise. The Senator had appealed to the lateness of the hour at which the bill was brought into the Senate. Was he not as much aware then that the session was approaching its close as he was now? If so, was the tone of his remarks such as was calculated to preserve the bill, and further its passage through both Houses at that late hour? Was his course the happiest that could have been taken to facilitate the legislation of Congress on matters of such various extent and interest as were embraced in the bill? If it was his object to have saved the bill, peculiarly important to the country at that crisis, what should have been his course with regard to a measure with which his committee was peculiarly concerned?

[Here Mr. WEBSTER explained. The gentleman, he said, was mistaken in every fact he had stated since he got up. He (Mr. W.) never reported the bill. He had no more to do with it than any other member of the Senate, till he moved to reject the amendment, and the Committee on Finance had no concern with the amendments, or the disagreement between the two Houses.]

Mr. C. continued. He accepted the correction of the gentleman. Voluntarily, then, the gentleman stepped forward; voluntarily did he make those forcible remarks which accompanied his motion to reject the amendment of the other House; and voluntarily did he cause the failure of this important bill, if he did so cause it. How do I (asked Mr. C.) establish these facts? If the gentleman had been desirous of saving this bill, or preventing the loss of so many and important necessary appropriations, and of avoiding the embarrassments which that loss has occasioned, what should have been his course? He would have admonished the Senate that the session was approaching its close, and he would have advised them to avoid all angry discussions and irritating topics, as calculated to cause the defeat of the bill. Was this true, or was it not? It was. This would have been the kind of admonition to the Senate, calculated to save the bill, and to promote objects so vitally important to the interests of the country. If there were vices in the form and manner of the bill which had been created in the representative branch of the national Legislature, which affected the gentleman's mind, what might have been expected of him if he was so desirous of facilitating the progress of the national business? That he would calmly and distinctly have pointed them out; have suggested the remedy, and aided by his influence and example in applying it, so that the bill might pass both Houses in time to become a law. Was this the course of the gentleman from Massachusetts? He thought not. He believed that there was not a member of the Senate who was not forcibly struck by the manner of the gentleman on that occasion—a manner so different from the grave and authoritative tone which usually distinguished him in that House. Abandoning the grave and authoritative manner in which he had been accustomed to address the Senate, he assumed a violence and ardor of expression new to him and to the Senate. Suddenly he gave way to an excited feeling, and seemed to be seized with suspicions of the deepest and darkest character. Nay, more. He seemed to speak as if he had taken his political opponents at an advantage, and was determined to use that advantage to the utmost. He relapsed into the habits in which his party had often indulged, of representing this people as suffering under the dominion of a terrible tyranny, which aimed at the destruction of their liberties. Then, what must have been the necessary consequence of the language accompanying such a motion as the gentleman had made? Why, to provoke debate; to make that debate an angry one; to render the contest doubtful, and endanger the passage of the bill.

Such was, and such ever must be, the consequence of a course of conduct like that pursued by the gentleman from Massachusetts. But it did not end here. The amendment made in the representative branch of our Legislature was rejected on the motion made by the gentleman—a motion made with a tone of indignant scorn which could hardly have a happy influence on the feelings of the members of the other House, including some of the gentleman's own political friends. The bill so returned to the other House; what followed? That body insisted on their amendment, and returned it to the Senate. Then was the time for the gentleman to have signalized his anxiety for the appropriation, by suggesting a mode of dispelling the difficulties which stood in the way, and of bringing the two Houses to an easy accommodation. The gentleman could have pointed out some conciliatory course of procedure, for saving a bill acknowledged by all to be so important and so necessary. What was his course? Did he recommend any mode, either formal or informal, to attain that desirable end? Did he ask the other House to go into a conference with a view to accommodate the difference between it and the Senate? No; he made that motion so harsh, so abrupt, and so uncompromising, that the Senate should adhere to its disagreement; and when he made that motion to adhere, he preserved the same tone of indignant scorn that had characterized his first motion to disagree to the amendment. Was he right there? Then, what was there in this appropriation of the House of Representatives which so deeply stirred up the ire of the gentleman? Those who heard him on that occasion, and who were not so well read in the constitution as he was, must believe that some express clause of that instrument had been deeply violated by the House. Was this the case? He had looked into the constitution for the purpose of finding some clause with which this appropriation might conflict, and which had been so deeply wounded; but he had looked in vain. He then supposed that the circumstance which had so deeply excited the gentleman's ire was, that the appropriation covered two distinct items of expenditure; one for the navy, and the other for the fortifications. Was it this, then, which had so greatly agitated the gentleman's love of liberty? Was it this which had created such an alarm in his breast as to induce him to believe that the constitution was endangered, and to move him from his balance and dignity? Ah! but the constitution must be saved, and the gentleman divides the appropriation, three hundred thousand for one, and five for the other, and the difficulty is surmounted. Here we have the arch-magician, who holds up the magic lamp, by whose light all darkness is dispelled, and we see the dangers that encompass us. Luckily, the magician has the talisman before whose touch all these dangers vanish.

The sagacity of the Senator had left him in no doubt as to where the battle on this question was to be fought. He alluded to his own warm expressions and his violent opposition to the appropriation, and declared that, although the foot of the foreign soldier was on our soil, though the cannon of the enemy was pointed at the Capitol, he would not make the appropriation while the danger to the constitution that he apprehended was in existence. What! because he cannot make a verbal amendment, he is willing, through the shrieks of dismay of affrighted virgins—through the burnings of our dwellings—through blood and devastation—that the enemy shall make his way to this Capitol. It appeared that, because the appropriation was not specific, because a long-established practice of the Government (and a very proper one it was) had not been followed on that occasion, the gentleman could suggest no mild and conciliatory way to restore the ancient practice, and save the bill from a failure. Now, if any thing coming from him could have any weight, he would venture to give some wholesome admonitions to those who were such ardent lovers of liberty as to reject an important appropriation because it was not to their view sufficiently specific. Did the gentleman believe that he would preserve liberty against the hard grasp of the Executive, by refusing to that Executive the means of defending his country? He would tell the gentleman to refer to that history with which he was so well acquainted, and he would find that, whenever a Government was so embarrassed by opposing checks that it wanted the power of defending its country from foreign aggression, the people would rally to its aid, and vest the Chief Magistrate with unbounded power. Was this proposition admitted by the gentleman? He presumed it was. Thus, then, the gentleman, in seeking to defend liberty, sacrifices liberty; thus, then, in indulging those fastidious scruples, he gives a blow to that liberty where it was the most dangerously to be assailed. This was so perfect a truism that he would not dwell on it for a moment.

The institution of Governments had generally been traced to the desire of preserving such domestic order in the conduct of individual citizens to each other as would best preserve the rights of the whole; but, truly speaking, Governments had more frequently arisen from the necessity of protecting the State against foreign aggression; for where would be the wisdom in providing for the liberty of the citizen until he was guarded against subjugation by a foreign enemy? The foreign enemy invading the country, his march traced by violation, murder, plunder, and conflagration, of what value was individual liberty, when it had not been protected against calamities like these? Thus the scruples of gentlemen might draw down upon their country a desolating and wide-spread calamity, in seeking to guard against dangers existing only in their own imaginations. Was he right or was he wrong? So firmly right, that he seemed to be trifling with the Senate in urging truths so obvious.

The Senator from South Carolina, [Mr. PRESTON,] whom he did not see in his seat, but who was probably in the chamber, pronounced the other day, in relation to this resolution, one of those speeches which always created a powerful effect. But never was there a more forcible example of how an imposing manner and fluency of language might cover the greatest absurdities—how the graces of elocution and the ornaments of style might accompany the weakest arguments, than in this instance. Had the gentleman, too, discovered a clause in the constitution which forbids the two Houses of Congress from making an appropriation without the recommendation of the President? Did he suppose that there, in that hall, where existed the censorship of the Government, (if he might use an expression of the gentleman's,) the safety of the country could not be provided for without executive recommendation? Here (said Mr. C.) is that censorship which is to stand between what is adverse and all that is valuable in our institutions, and guard them from danger. Here was the part of the Government that with reflection and contemplation provided the best means of securing all that was good, and guarding against all that was evil; and yet the Senator from South Carolina has discovered that those who constituted this censorship were not to be trusted. All at once we are (said Mr. C.) to be sunk into a state of apathy and stupor; to have eyes and not to see, to have ears and not to hear, and to have hearts and not to understand. Oh! happy condition of passive obedience to which they have arrived; and wonderful by whose means they had been brought to it. The gentleman reminded him (if he might indulge in a pleasantry in a grave debate) of a termagant wife, who, finding out a new way of provoking her husband, replied to him on all occasions, "whatever is your will is my pleasure."

Then, there was no clause in the constitution, as he had read it, declaring that the two Houses of Congress should have no opinions as to the foreign relations of the country; none declaring that when the enemy's fleet was on our coasts, and his army on our soil, or, in the language of the gentleman from Massachusetts, when the Gaul was at the Capitol; there was no language in the constitution prohibiting Congress from providing the means of defence. Yet the gentleman from Massachusetts, if he understood him right, was for waiting for executive recommendation; that is, when his house was in flames, and his wife and children shrieking with dismay, he would not go to their rescue till his neighbor advised him to do so. The gentleman must go to the President and get his sanction, before he can provide against approaching danger.

There was but one point more that he wished to refer to. Being already exhausted with the slight effort he had made, affected peculiarly by disease, and lately disused to public speaking, he might not have made the most appropriate arrangement of the subjects he had touched on, and this might not therefore be brought out in its proper place. The Senator from South Carolina seemed to have a strong confidence, proceeding with him to certainty, that there was no possible danger of a war with France, unless it arose from our own conduct. What sort of evidence warranted the gentleman in making these predictions with such presumption? Has the course of the French (said Mr. C.) proceeded on such sure calculations that you cannot doubt, from what has passed, what will follow? Did any man suppose that the treaty of 1831 would not be carried into execution? There happened what had not been anticipated by any one. Was there any member of that body, was there any individual in the nation, who could have anticipated the strange condition that was attached to the fulfilment of the treaty by a member of the opposition in the French Chambers, and the sudden acceptance of that condition by the French ministers? What, then, warranted the prediction of the gentleman from South Carolina, that there would be no war with France unless caused by our Government? He denied that there was any certainty in calculating on the future course of France towards this country; he denied that the movements there depended on any course of conduct that might have been pursued at a former period. There was a mass of feeling, a chaos of discordant elements, in the French Chambers, which must produce results that no human foresight could calculate on. There was the republican party, ardently desiring for their country the enjoyment of those equal rights and free institutions which they saw producing such blessings on this side of the Atlantic; there were the imperialists, burning under a sense of defeat, and looking back to the glories and triumphs of the reign of the great Emperor; there were the Carlists, anxiously longing to exalt the white flag over the tri-color; and all these embarrassed in a greater or less degree the operations of the party in power.

There was another feature in the composition of the French Chambers worth attending to. They (the Chambers) refused to appropriate the money required to fulfil the stipulations of a solemn treaty entered into by their Government, without the compliance with an extraordinary condition, thereby manifesting a want of experience in the principles of government, that they may yet attain, but which they must attain as all other Governments have, after long and laborious application.

The gentleman from South Carolina referred to the friendly disposition of the King of France, Louis Philippe, towards this country. He tells us, said Mr. C., of the perfect good faith and sincerity with which the King and his ministers have entered into this treaty, of their anxiety to have its stipulations carried into effect, and of their exertions to get the necessary appropriation through the Legislative Chambers. But of what avail is the friendship of the King, without a corresponding disposition on the part of the legislative branch of his Government? We cannot rely on the good disposition of the French King, because he cannot control the various conflicting elements of which his own Government is composed.

In the entire want of the habit of public speaking, (Mr. C. said,) he had passed over one or two topics which could have been profitably referred to. He would, however, but briefly call the attention of the Senate to one fact, and then close his remarks. Was there a man there who did not understand one important principle in European politics, and one that had more than once been acted on by this very French nation? It was, that, in commencing a war, it was their policy to strike the first and most decisive blow, unexpected to their enemy, and without giving him time for preparation. While consuming time here (said Mr. C.) with unnecessary scruples, and combating dangers that exist only in the imagination, your commerce may be swept from the ocean, your gallant seamen may be dispersed, and your navy, which has added so much to the nation's glory, be left unmanned when called on for action. If it occur to France, said Mr. C., that there is to be some signal advantage in striking us some decisive blow, what was to prevent her seizing this advantage, if the arguments of gentlemen prevail? Come what might, he (Mr. C.) did not fear the result, though he was of opinion that both honor and policy demanded that every necessary preparation should be made. There was a zeal, an energy and promptitude, in this young and growing nation, equal to any emergency, and capable of encountering and overcoming the greatest of dangers. He relied with the utmost confidence on the spirit and gallantry of the American youth, who, without experience, but stimulated by love of country, and their country's honor, could rush unprepared into the greatest dangers, and by their chivalrous daring add new renown to their country's flag. It was with the deepest interest he had read the romantic story of the gallant and youthful Blakely, who, with a crew of youthful and inexperienced seamen, proceeded to the British Channel, there cut up the British commerce, and by his victorious conflicts with the enemy furnished the brightest pages of our naval history, and shed an imperishable lustre over his early grave.

When Mr. Cuthbert had concluded,

Mr. HUBBARD addressed the Chair as follows:

Mr. President: The Senator from Georgia, who has just resumed his seat, has undertaken to narrate the events of the last evening of the last session of Congress as they transpired in this hall with reference to the progress and fate of the "fortification bill." He has also undertaken to inform us of the temper and spirit which characterized the debate in this hall upon that bill. I was not then a member of the Senate, and from my own knowledge can neither affirm nor disavow the correctness of the statements made by the Senator from Georgia. I have no recollection that I visited this hall in the course of that evening. As to what took place upon the subject of the appropriation bills, from the time they were introduced here until the final action of the Senate upon them, I shall be guided by the journals of the Senate and of the House of Representatives, and I hope to be able from the records to show that neither the House of Representatives, nor any committee of that body, deserve the rebuke, the censure, the blame, which has been imputed to them in the course of this debate. This is all I have to offer now, all that I have to state, before I proceed to present the precise question now submitted to the consideration of the Senate. What is that question? What are the resolutions offered by the Senator from Missouri? And what is the amendment proposed to those resolutions by the Senator from Maryland? They are as follows:

Resolved, That the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, ought to be set apart and applied to the general defence and permanent security of the country.

Resolved, That the President be requested to cause the Senate to be informed of--

1st. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortification.

2d. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery, (especially brass field pieces,) for their militia, and with side-arms and pistols for their cavalry.

3d. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

4th. The probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union.

To the aforegoing resolutions, proposed by the Senator from Missouri, the following amendment was offered by the Senator from Maryland:

To strike out all after the word "resolved," in the first line, and to insert: "That the general defence and permanent security of the country are principal objects of the national care, and therefore adequate and liberal specific appropriations from the public revenues ought regularly to be set apart and applied to these purposes."

I feel no particular solicitude whether the resolutions offered by the Senator from Missouri, or the substitute offered by the Senator from Maryland, be adopted. They both look to the same object. They both contemplate the same purpose—"the general defence—the permanent security of our whole country." In the event of this Senate agreeing to the resolutions or to the amendment, it can have no other effect than to pledge this body to give their support to such legislative measures, consequent upon the adoption of the resolutions or of the amendment, as shall have for their object the accomplishment of the great purpose in view, viz: the general defence and the permanent security of the country. Regarding the subject in this light, it is a matter of entire indifference to me whether the resolutions or the amendment be adopted. I should wish, in case the resolutions offered by the Senator from Missouri should be preferred, so to alter the terms of the first resolution as to require such a part only of the surplus revenue of the United States to be set apart for the objects in contemplation, as may be necessary, proper, and expedient. With such an alteration in the terms of the first resolution, I should not hesitate to give to them my hearty support; I should feel myself bound, by every consideration of public policy and of public duty, not only to vote for them, but to vote and to support any legislative measure necessary upon their adoption.

The resolutions following the first call merely for information--information which would be in any event desirable, if not indispensable, for the action of Congress upon this all-important subject of general defence and permanent security.

It was not my main purpose, in addressing the Senate at this time, to discuss at length the resolutions offered by the Senator from Missouri, or the amendment proposed to those resolutions by the Senator from Maryland. I had another object in view; but before I proceed to state that other object, I must ask the indulgence of the Senate in submitting some few general remarks upon the propriety, the policy, the urgent necessity, of adopting, *in extenso*, the resolutions of the Senator from Missouri, or the substitute offered by the Senator from Maryland. What, sir, is intended to be accomplished by the adoption literally of those resolutions? It is proposed, in substance, that as much of the surplus revenue of the United States as may be necessary shall be set apart and applied to the general defence and permanent security of the country. The amendment proposes to appropriate adequate and liberal sums for the accomplishment of the same objects. The first question which must present itself to the mind is, are appropriations at this time necessary for the general defence and permanent security of the country? On this point, I presume there can be no difference of opinion, here or elsewhere. The state and condition of our maritime and inland frontiers call upon us, as the representatives of the nation, loudly and imperatively, to provide efficiently, promptly, and without delay, for the general defence and the permanent security of the country. I well remember the untiring efforts of a distinguished gentleman from South Carolina, no longer a member of Congress, but who was then a member of the House of Representatives, and at the head of the Committee on Military Affairs, in the furtherance of these objects. He labored hard, he accomplished but little, and from that time to this the work has progressed slowly; it remains undone. Whether, Mr. President, we are to have war, or whether we are to enjoy a continuation of peace and prosperity, I would engage, forthwith, in putting our country, our whole country, in perfect defence; to place it in permanent security; every consideration of public policy demands it. It is the voice of wisdom, of experience—it is the lesson of history—that we should even in peace prepare for war. Who can bring to mind the disastrous, the disgraceful events of August, 1814, without feeling his pride as an American citizen humbled to the dust? Who can bring to mind that the very heart of our country was made accessible to the enemy; that, unobstructed and unopposed, he crossed our Hampton roads, passed up the Chesapeake and the Potomac, visited the city of Washington, laid waste our Capitol, and dined at our palace? Even at this late day, the rehearsal of that occurrence cannot fail to fill our hearts with chagrin and sorrow. It is past. But should we not take counsel from our experience? Ought we not to consider whether the "long sword of France" may not, in the same way, reach through the same city, in the event of a war with that nation? God forbid that we should ever be disgraced by the repetition of such a scene! That the fair page of American history should ever again be stained by such a record! I would then, Mr. President, with all possible despatch, make our maritime frontier impregnable to any and to every foreign enemy. I would, with all possible despatch, complete every fortification, man and arm every fortress connected with the public defence, for the permanent security of the country. I would, with all possible despatch, increase our navy, so that we could float into every sea and into every ocean a sufficient force for the protection of American commerce, and for the maintenance of American honor. I would do all this, sir, at every hazard, and under any circumstances. I would do it from the highest consideration of public policy. I would do all this from a solemn sense of public duty; a duty which we owe to ourselves as well as to posterity. I should not, therefore, be embarrassed as to the course which I should pursue, even if we had less available means than we have. But, fortunately, we shall not be called upon, in the execution of the great work of general defence, to resort to direct or to indirect taxation. We have an overflowing treasury; we possess an abundance of available means for the accomplishment of all the objects contemplated for the permanent security of the country. Then, sir, I would adopt the resolutions which have been offered; I would follow up those resolutions with such direct legislation as should effectuate, without delay, the objects contemplated.

I have said, Mr. President, that I would do this under any circumstances; so I would. But after the message of the President on the subject of our relations with France, which was communicated to this Senate very recently, (Monday,) I should consider further delay as fraught with imminent danger. I heard that communication with every feeling of pride and of patriotism. It was well worthy of its author and of the occasion, and I was surprised to hear that any Senator could have heard it with "profound regret."

In pursuance, then, of the recommendation contained in that message, I would promptly put our whole country in a state of defence; the exigency of the times demands it; our relations with France demand it; a proper respect to ourselves demands it. I was utterly astonished to hear it asserted on this floor, that, under existing circumstances, to arm would be equivalent to a declaration of war. Can it be that to prepare for the controversy, if controversy must come, between us and our ancient ally, to put our beloved country in a state of safety, to arm our fortifications, to equip our public ships, would be regarded by her as the commencement of hostilities on our part?

Such may be the sentiments of some of the members of this Senate. They are not the sentiments of my mind, and I cannot yield my assent to them.

Whether war or peace is to be the fate of this land, my voice is, be ready—be prepared—be well prepared for any and for every possible exigency. What! shall we, the freest nation on the globe, unembarrassed with debt, rich in resources, powerful in means, shall we, for fear of giving offence to his Majesty, fold our arms, and submit to every exaction which he may see fit to impose? Shall we hesitate to prepare to assert our rights—to maintain our honor? Shall we stand still, let patience have her perfect work, and whenever it shall be the gracious pleasure of his Most Christian Majesty "Louis Philippe" to pay us the debt France so justly owes us, to receive it with a submissive thankfulness, to bring it home, and to distribute it among the claimants? God save us from such a scene of humiliation. I say, then, Mr. President, let us, regardless of consequences, fearlessly do our duty, and all will be well.

My main purpose in addressing the Senate at this time was to answer some remarks which fell from the Senator from Massachusetts in relation to the proceedings of the two Houses of Congress at the last session upon the appropriation bills. In the commencement of his remarks, the Senator passed a high encomium, well merited I presume, upon the industry and punctuality of the Senate at the last session; and I cannot suppose that the gentleman intended, in doing this, to make any insinuations or cast any reproach upon the industry and punctuality of the last House of Representatives; if he does, he certainly does that House great injustice. I was a member of that House, and by its presiding officer was placed on the Committee of Ways and Means, as well as upon the committee of conference, which has attracted so much notice, and called forth so much severity of remark, during the present discussion; and all I have to say in defence of the industry and punctuality of that body is, that the journals will show the mass of public and of private business which was originated in that body during the last session; the disposition which was made of it, the number of bills which passed that body and were sent to the Senate, in addition to their proceedings upon the bills which came from the Senate. A reference to the journals of the House will satisfy the public mind on this point. I will only add that, for habits of industry, for punctuality and promptness, sure I am that it cannot suffer when put in comparison with the Senate itself.

The Senator proceeds and notices what he regards as a somewhat unparliamentary proceeding, an unusual course at least, on the part of the House, in failing to give the Senate any information in reference to certain bills which had originated in the Senate, and which had passed that body, and been sent to the House for their concurrence. It so happened that I remained in this city nearly a week after the last session of Congress, and I then felt a deep mortification in reading from one of the newspapers of this city the following editorial article, under the date of the 5th of March. It contains the same sentiments which the Senator from Massachusetts has seen fit to present to the Senate in reference to this matter. I subjoin the extract.

"*Last day of the session—Unfinished business—West Point Academy—Loss of the fortification bill.*—The two Houses of Congress adjourned the night before last, their functions then ceasing: and what a wreck of public business ensued!

"In our two or three last papers we expressed our opinion respecting the state of the public business in the House of Representatives. It would have been as just had our intimation respected the state of the House.

"With a great deal of talent, and we have no doubt, too, a great deal of patriotism, the late House of Representatives had been brought into a condition, by various causes, in which it seemed incapable of getting on with the business of the country. Attentive observers had noticed a tendency of this kind from the early part of the session; but its last days forced the truth on the minds of all. Long debates; the endless perplexity of the rules; contests, every moment, about priority of business; and an eagerness of discussion, which seemed entirely to disregard the comparative importance of subjects, were among these causes. There were others, of which we could speak, of which indeed we shall feel it our duty to speak, and to speak freely, hereafter; but which we at present forbear to mention.

"The melancholy result of the whole is, that Congress has broken up, leaving almost every great measure of the session unfinished, and therefore totally null and void. The following bills, originating in the Senate, most of them passing that body by large majorities, and some of them quite unanimously, have shared the general wreck and ruin:

"The Post Office reform bill, (passed unanimously in the Senate;)

"The custom-house regulations bill, (passed nearly unanimously in the Senate;)

"The important Judiciary bill, (passed by a vote of 31 to 5 in the Senate;)

"The bill regulating the deposite of the public moneys in the deposite banks;

"The bill respecting the tenure of office and removals from office, (a most important bill, supported in the Senate by men of all parties;)

"The bill indemnifying claimants for French spoliations before 1800.

"These half dozen, (not to speak of the bill for the relief of the cities of the District of Columbia; the bill providing for the increase of the corps of engineers; the bill to carry into effect the convention between the United States and Spain; and the bill to improve the navigation of the Mississippi in the vicinity of St. Louis,) are among the bills which were sent from the Senate to the House of Representatives, 'and never heard of more.'

"The fate of two of the appropriation bills, however, originating, as such bills always do, in the House of Representatives, is still more remarkable.

"Hitherto it has been usual to make the appropriations for the Military Academy at West Point in the same bill which contains the general appropriations for the army. This year an innovation was indulged. The army appropriation bill was sent to the Senate with no appropriation whatever for West Point. This circumstance was noticed at the time in the Senate, and its attention called to it as an extraordinary omission.

"A separate bill, however, containing the usual appropriations for the academy, was brought forward in the House, but suffered to sleep. Up to the last day for sending bills from one House to the other, it had not passed. The House took no step whatever to pass the bill, by suspending the operation of the rule, as to sending bills from House to House, or in any other way. In this predicament, individuals of the House brought the committee of the Senate to interfere; and, in some extraordinary way, help to pass the ordinary appropriation through Congress. The Senate, accordingly, attached the whole Military Academy appropriation bill to the bill making provision for the civil and diplomatic expenditures of the year, and in this form it passed into a law; and but for the adoption of this mode, there could have been no appropriation at all, and the school would have been broken up. We may add that, when this bill for covering civil and diplomatic expenses went back to the House, with amendments, the occasion was eagerly seized to add to the Senate's amendment other amendments respecting totally different matters; thus giving the bill a tail as long as that of a comet.

"Thus the bill pending in the House making provision for the repairs of the Capitol and President's house, improving the public grounds, paying the President's gardener, &c., was tacked on the bill as being among the civil and diplomatic expenses of the Government. This bill, however, and we rejoice at it, had the goodness to pass with all its length of tail; and, thanks to the Senate, and no thanks to the House of Representatives, the West Point Academy, therefore, was kept alive."

The gentleman expressed surprise that the House should not have given to the Senate information about the bills enumerated in the preceding extract. The reason is, that there had been no final action of the House upon these bills; they had been received from the Senate, it is true, but such was the mass of public as well as private business upon its own calendar, that it was next to an impossibility for the House to have acted upon these particular bills; they had come to the House at too late a period of the session for that branch to have definitively acted upon them. Most, if not all of them were not reported to the House until after the 10th of February; and the only bill of the number which was ever taken up and considered to any great extent was the one in relation to the General Post Office. Certain the fact is, that there was no final action upon them; they were neither rejected, laid upon the table, nor indefinitely postponed; and hence no information became necessary to be communicated to the Senate in relation to them. What possible benefit could result for the House to inform the Senate by message that they had received various bills, but had come to no decision upon them? Such a communication would seem to me to be in itself not only unparliamentary, but altogether unprofitable and unnecessary. Certain the fact is, that such has not been the usual practice of the two branches of the Government. I therefore say, sir, that the House is not obnoxious to any charge of neglect of duty on this account.

The Senator from Massachusetts has rebuked the House for its course of proceeding with reference to the general appropriation bill, and particularly with reference to its course upon the bill making appropriations for the support of the West Point Academy. The article which I have just presented to the Senate contains similar charges against the House, for the same pretended omissions of duty. How is this matter? Is it true that the last House of Representatives stands properly charged for any omissions of duty? What are the facts in relation to the appropriation bill for the civil and diplomatic expenses of the Government? It was a leading object with the Committee of Ways and Means, in reporting that bill, to introduce into it no appropriation, except it had the warrant of some existing law. It was distinctly remembered how, and for what reasons, the general appropriation bill for the first session of the last Congress was opposed. It was kept in the Committee of the Whole on the state of the Union for more than a month, it was most violently attacked, and most resolutely and perseveringly opposed. The Committee of Ways and Means of the last session intended to prevent, if possible, the recurrence of any such scene. The bill was reported, speedily acted on in the House, and on the 2d day of February it was sent to the Senate for their concurrence, and on the 2d day of March it passed the Senate with a little less than half a hundred amendments. In this form that bill for the support of the Government came from the Senate to the House of Representatives. Among the amendments agreed to by the Senate was a Senate bill "confirming claims to lands in the State of Missouri, and for other purposes." A Senate bill "for completing the road from Line creek to the Chattahoochie, and for the erection of bridges on the same." A Senate bill "for granting six hundred and fifty thousand acres of land, in addition to former appropriations, for the satisfaction of revolutionary bounty land warrants;" together with various other amendments of less importance, but containing entirely new appropriations, foreign from the title as well as the intent and purport of the bill. When it passed the House, its title was "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1835." And after it had been amended in the way and in the manner it was; after the Senate had attached to it bills entirely incongruous, originating in their body; after incorporating in the bill appropriations having not the remotest connexion with the civil and diplomatic expenses of the Government, it did, indeed, become necessary to change its title, but the alteration of the title, be it remembered, was the act of the Senate; and when it reappeared in the House of Representatives its title was "An act making appropriations for the civil and diplomatic expenses of the Government for 1835, and for other purposes."

I will not undertake to say what could have induced the Senate, twenty-four hours before the close of the session, to send to the House the general appropriation bill, amended by adding to it bills which had originated in the Senate, and which had not received the consideration of the House. How it happened I know not; it certainly must be regarded as a proceeding somewhat extraordinary. But, sir, the Senator from Massachusetts has further rebuked the House of Representatives for not having incorporated in the army bill the appropriations necessary for the support of the West Point Academy. And, sir, it would occur to any man who should read this part of the speech of the Senator, or should read the article which I have read to the Senate, that there had been a most palpable omission of duty on the part of the House with reference to the appropriations for the West Point Academy. This imputation, cast upon the House of Representatives, is unmerited. What are the facts connected with that matter? The West Point Academy bill was reported with the other appropriation bills; it was confided to the care of one of its warmest friends on the Committee of Ways and Means, without objection, and without opposition on the part of the committee. Whatever may have been the opinions of individual members of that committee upon the propriety of continuing that institution, certain the fact is, that a bill for its support was seasonably reported, and committed to the charge of Mr. BINNEY. I have no doubt that gentleman managed the bill with his usual ability and foresight. He saw, beyond doubt, that there would be no opposition to it if it was attached by way of amendment to some one of the appropriation bills then pending in the Senate. He undoubtedly supposed that such a course was the safest and the most advisable course for him to take. He took it. But the House is charged with suffering this bill to sleep; and that the West Point Academy was saved by act of the Senate, and that no thanks are due to the House, but to the Senate, for keeping this institution alive. This is most unjust and most unmerited. There is not to be found a vote upon the journals of the House going to show any decided opposition to the measure. This amendment of the Senate to the general appropriation bill was readily agreed to by the Committee of Ways and Means, and as readily adopted by the House of Representatives. So much for this matter.

The Senator from Massachusetts has concluded his remarks upon this bill by adverting to an amendment which the House made to one of the numerous amendments of the Senate. He has amused us by giving an account of the incongruity of that amendment with the title and design of the bill. The House, it is true, did amend the amendments of the Senate by adding "a bill making appropriations for the public buildings and grounds, and for other purposes;" and it was upon some of the items of this bill that the Senator saw fit to display his pleasantry and wit. I would ask, sir, if there were any thing out of the way, more strange, in providing "for the salary of the gardener employed in superintending the Capitol square and other public grounds," than in providing for the balance of the salary of Valentine Giesey, late superintendent of the Cumberland road; any thing more extraordinary for improving Lafayette square, than in compensating Lemuel Slater for his services. None, unless it be in the quarter from whence those amendments proceeded. The first and third were included in the amendments proposed by the House. The second and last were amendments proposed by the Senate.

The Senator from Massachusetts next proceeds to give us what he calls a narrative of the proceedings of the two Houses upon the fortification bill; and it was the fate of that bill which has elicited this debate. The recollection of the Senator and my own do not in all particulars agree. After having read the Senator's speech, I felt myself called upon, from the circumstances to which I have already referred, that of being a member of the last House of Representatives, of the Committee of Ways and Means, and also of the committee of conference, to give my account of the rise, progress, and final loss, of that bill.

The fortification bill was reported to the House, from the Committee of Ways and Means, on the 2d January, 1835; it passed that body on the 20th of January; it was on the same day received by the Senate, and on the 24th day of February, thirty-five days after it was first received by the Senate, it passed that body with amendments. The Senator says, and says truly, that it was sent back to the House on Tuesday, the 24th day of February, a week before the adjournment of Congress, and asks how it happened that this bill remained from the 24th of February until the evening of the last day of the session. Sir, I can only answer this inquiry by referring to the journals. Within this period of time the House was called on to consider the amendments which the Senate had made to the general appropriation bill; the amendments which they had made to the bill making appropriations for building lightboats, beacons, &c.; the amendments which the Senate had made to the bill making appropriations for Indian annuities, &c.; with a mass of other public as well as private business, together with the absorbing questions connected with the resolutions which had been reported by the Committee on Foreign Relations upon the subject of our affairs with France. There was no delay which could be avoided; and if, by unavoidable occurrence, the action of the House on this bill was delayed until the very last day of the session, the greater the necessity for a conciliatory and an accommodating spirit, the greater the necessity for not being over nice and scrupulous touching the forms of proceeding. It is true that not until the last day of the session did the House come to any agreement upon the amendments proposed by the Senate to the fortification bill.

Since I came to the Senate this morning I have procured from the files of the Senate the original bill with the amendments reported from the Committee on Finance. The first amendment recommended was to increase the appropriation for rebuilding Fort Delaware, from seventy-five to one hundred and fifty thousand dollars. The second amendment proposed was for the armament of fortifications, one hundred thousand dollars. The third amendment made was upon the motion of the Senator from Missouri, for an appropriation for the repair of Fort Mifflin. The fourth, fifth, and sixth amendments were reported from the Committee on Finance, and were as follows:

"That the sum of seventy-five thousand dollars be, and the same is hereby, appropriated towards the repair of the fortifications on Castle island, in the harbor of Boston, according to the plan submitted by the board of engineers on the thirteenth day of March, one thousand eight hundred and thirty-four, the same to be paid out of any money in the treasury not otherwise appropriated."

"That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be applied or expended, under the direction of the Secretary of War, in improving the defences within the State of Maryland."

"That the Secretary of War be, and he is hereby, authorized to purchase six acres of land adjoining Fort McHenry, near Baltimore, being the same rented from the heir of the late Philip Swartzance."

When the House of Representatives first acted on these amendments proposed by the Senate, they agreed to the second, third, and sixth amendments; and ultimately agreed to the first and to the fifth, with an amendment, leaving only the fourth amendment, which had also been agreed to in the first instance by the House, with an amendment embraced in the following section, which the House proposed to add:

"That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided*, Such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

It follows, then, from all this, that the House felt an anxious solicitude for the passage of this bill; that, so far from opposing its passage, they assented to the various amendments of the Senate; and it is matter of history in relation to the proceedings of the two Houses upon this very bill, that the House had yielded the objections which it at first entertained as to the propriety of the very appropriations embraced in the amendments, and ultimately agreed to pass each of those with one amendment.

It will appear, distinctly appear, by a reference to the House journals, that while the fortification bill was under consideration, Mr. Everett, of Massachusetts, moved the following amendment:

"For the preservation of Castle island, and for repairing the fortifications on Castle island, in Boston harbor, &c., seventy-five thousand dollars."

That Mr. McKim moved to amend the bill by adding, "For repairing Fort McHenry, at Baltimore, and for putting the same in a proper state of defence, fifty thousand dollars."

Both of the propositions were rejected on a vote by yeas and nays in the House; the first by a majority of thirty-three: Yeas 87, nays 120; the second by a majority of sixty-three: Yeas 66, nays 129; and yet, after the Committee on Finance had kept in their possession this very bill thirty-five days, they reported it to the Senate with amendments; and two of the amendments proposed were, in truth, the amendments which had been rejected by the House. Yet, sir, the House gave up their objections to these very items, so anxious were they to secure the passage of the fortification bill. They not only agreed to the other amendments, but they reversed their former decision, and agreed to one and all the amendments proposed by the Senate, with an additional section, proposing an appropriation of three millions of dollars for the defence and permanent security of the country. Is there a man within our republic who does not regret, most deeply regret, the loss of the fortification bill of the last session? Is there a man in office or out office, on the seaboard or in the interior, who does not now regret, most deeply regret, that the appropriation proposed by the House at the last session, "for fortifications, for ordnance, and for increase of the navy," did not become a law? I will not believe, I cannot believe, that there is an individual between Maine and Florida, between the lakes and the ocean, who does not, in truth and in soberness, regret it.

The House, in perfect good faith, and under a deep conviction that the state of the country required that a large amount should be appropriated for the purpose of general defence, proposed this appropriation as an amendment to the Senate's amendment. At that late period of the session it could not have accomplished this object in any other way; it was not for the reason that the House objected to the fourth amendment of the Senate, but it was merely and solely for the purpose of obtaining a large appropriation for the objects specified in the amendment, which induced the action of the House—an appropriation which not only the defenceless state of our whole maritime and inland frontiers demanded, but which the peculiar exigency of the times, the state and posture of our affairs with France, called loudly and pressingly on Congress to make.

How was this feeling met? How was this proposition treated by the Senate? There could be no misapprehension—no mistake about the object; and yet, no sooner was the communication made, no sooner was the amendment read at the table of the Secretary, than the Senator from Massachusetts moved to disagree to the amendment. The motion was carried. The House were informed of this proceeding of the Senate. A motion was then made for the House to recede from their amendment. That motion was negatived by a decided majority. Information was at once communicated to the Senate; and, without any intervening motion, the Senator from Massachusetts moved that the Senate adhere to their vote of disagreement. This proceeding on the part of the Senate has been justly commented upon by the Senator from Georgia.

It is unnecessary for me to add to his remarks. Certainly it was, considering the lateless of the hour, a most embarrassing, a truly unfortunate motion. On this information being communicated to the House, a motion was again made that the House do recede; it was attended with the same result. Anxious to save the bill, if possible, a motion was made that the House do insist on their amendment. A conference was asked; it was voted; and conferees were appointed. The Senator from Virginia has stated that when the conferees on the part of the Senate left the hall of the Senate, it lacked fifteen minutes or twenty minutes of eleven o'clock; and when the conferees returned, it was about the same number of minutes after the hour of eleven. If, sir, the Senator from Virginia be correct in point of time, there must have been a great difference between the time of the House and the time of the Senate. It is utterly impossible for me to account for this difference. If the gentleman had, in the course of the evening, regulated his own watch by the uncertain dial over his head, there would be no difficulty in accounting for the great difference between the time as indicated by the watch of the Senator from Virginia, and the time as indicated by the watches of other gentlemen. The Senator from Massachusetts, who was the chairman of the committee of conference on the part of the Senate, remarked that he had no particular recollection of the exact time, having taken no note of it. Sir, am I entirely mistaken as to the occurrences which took place in the committee after the committees of conference had assembled? I must be, or else the Senator is entirely mistaken. While the committee were together, and trying to agree upon a report, the Senator from Massachusetts drew from his pocket his own watch, if I do not altogether misrecollect, and reminded us that it lacked but a few minutes of twelve, and that we had but a few minutes to spare. He did this, as I then supposed, and as I now believe, to induce a speedy action of the committee upon the subject which had been referred to them. The committees did agree upon a report. Mr. Cambreleng dissented. Mr. Lewis and myself, constituting a majority of the committee on the part of the House, did agree to the report. I have no doubt but that the Senator from Virginia is correct in the statement that the committee of conference must have been absent at least one half hour; this fact is inferrible from his account of the time. But, sir, it cannot be correct, in my opinion, that the committee could have have reappeared in the Senate until past the hour of twelve o'clock. I am not without some record to confirm me in this statement--a record made by one of the reporters of the House, and published in one of the journals of this city, after the adjournment. I subjoin the following extract from the National Intelligencer:

The amendment made to the fortification bill was then under discussion. The House had been informed of the vote of the Senate to adhere, and after some debate, according to the Intelligencer, and in perfect accordance with my own recollection, the following is the order of the subsequent proceedings:

"Mr. HUBBARD said, if the House adhered, the bill would be lost. He moved that the House appoint a committee of conference.

"Mr. LEWIS said it was not the amount of the appropriation, but the principle, which was objected to by the Senate. A committee of conference might, therefore, adjust the disagreement. The manner of the appropriation was too loose. It was not specific. It put every thing into the hands of the Executive. He asked what would be the effect of the previous question.

"The CHAIR replied, only to preclude debate.

"The motion for the previous question was withdrawn. The motion to ask a conference was agreed to; and Messrs. CAMBRELENG and LEWIS were appointed the committee of conference on the part of the House.

"Mr. HARDIN asked if the House was not virtually dissolved by the expiration of the term for which this Congress was elected.

"The CHAIR said it was not a question of order, and the Chair could not decide it.

"The Cumberland road bill was taken up and read a third time.

"Mr. MCKAY moved that a message be sent to the other House, informing them that this House, having completed its business, is ready to adjourn.

"The CHAIR said the motion was not in order, the question being on the passage of the bill.

"The Clerk proceeded to take the yeas and nays on the passage of the bill to continue and repair the Cumberland road, and

"Mr. GILMER, when his name was called, rose and said he considered that he had no right to vote, the term for which he was elected having expired at twelve o'clock this night; and he therefore declined voting."

It will appear that Mr. Cambreleng and myself both voted against the passage of the Cumberland road bill, and before the committee of conference was organized.

There can be no mistake in this matter. The order of proceeding published in the Intelligencer, as noted by the reporter, is, beyond all question, correct; and it distinctly appears, from the journals of the House, that the committee of conference was appointed immediately before the vote of the House upon the "Cumberland road bill," and there can be no doubt that, while the yeas and nays were taking on the motion to pass that bill, Mr. Gilmer, of Georgia, objected, when his name was called, to voting, for the avowed reason that the hour of twelve had arrived, and that the functions of the House had terminated. He did not vote, and one, if not more, of his colleagues, entertaining the same views, did not vote on the passage of that bill. It even appears, from the publication in the Intelligencer —an authority which neither the Senator from Virginia nor the Senator from Massachusetts will, I presume, question—that, before the consideration of that bill was moved, Mr. Hardin, of Kentucky, made a question whether the House could constitutionally proceed in the transaction of business, as the hour of twelve o'clock had arrived. From all this, I submit whether the Senator from Virginia could be correct as to the precise time when the committees entered upon the discharge of their respective duties, and when they returned to their respective Houses.

It is important, in my view, and will be regarded as important by others, to fix, with as great a degree of certainty as possible, the time when the report of the conferees was agreed on, and when it could have been presented to the two Houses; for if it was past twelve o'clock, the House could not, consistently with their duty, have received it. After that hour, they no longer existed as a legislative body.

This was an opinion conscientiously entertained by many members of that House. If the time of the House was necessarily consumed, if a delay was occasioned by any extraordinary vote or proceeding on the part of the Senate in relation to this bill, ought its ultimate loss to be imputed to the House of Representatives? Ought they to be made answerable for its failure? I think not. When Mr. Cambreleng appeared in the House with his report, the yeas and nays were then calling on a motion, I believe, of Mr. Mason, of Virginia, to allow Robert P. Letcher his pay as a member of the House at the last session. He was in time to answer to the call of his name; but, from the result of that vote, it appeared that no quorum was in attendance; and from that time until the last moment of the session no quorum of the House could be procured, for the reason that it was believed that the House had no authority to act. Hence the bill, with all its amendments, was lost. And having faithfully given a narrative of the occurrences as they took place, I leave to the nation, to the American people, to decide whether the loss can with justice or with propriety be imputed to the chairman of the committee of conference on the part of the House, or to the members of that committee, or to the House itself. It will be recollected that this last amendment to the fortification bill, and which was attended with such fatal consequences to that bill, was proposed by the chairman of the Committee on Foreign Relations. It was supported on the ground that the peculiar state of our affairs with France rendered it proper and expedient.

The amendment was not regarded by its friends in the House as unreasonable, on the ground of the amount of the appropriation. It was believed to be no more than would be necessary, in a certain event, for the objects specified in the amendment. Nor was it regarded as objectionable in its terms or extraordinary in its character, nor was the proposition regarded as invading any principle of the constitution.

And why was this amendment opposed in the Senate?

for had it not have been for the opposition from that quarter, the amendment would have been incorporated in the bill, and the bill would have been passed; and at this period of time our fortifications would at least have been well supplied with ordnance; our ships would have been put in readiness for actual and active service; and we should have been prepared for action, if action should have become necessary.

I again ask, on what ground was this amendment resisted in the Senate?

The Senator from Massachusetts, in his argument, stated two grounds of objection to the amendment of the House, appropriating three millions of dollars for the objects stated in the amendment. The first ground was, "That no such appropriation had been recommended by the President or by any of the Departments." And it could not have been known that the appropriation was in accordance with the views of the Executive. The duty devolving on the President, in relation to this subject, the Senator states, is plainly and explicitly set forth in the following clause of the constitution: "He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." And this appropriation was opposed, this amendment was objected to, in the absence of such a recommendation.

It was said by the Senator from Tennessee, "it is not asked for by those who best knew what the public service required; how, then, are we to presume that it is needed?" Let us examine this matter, and see whether the objection be well taken. At the commencement of the last session of Congress, it is to be presumed that the President of the United States communicated all the information touching the state of the Union which it was in his power to communicate. That message not only contained a full account of our foreign relations, but also of our domestic concerns. Every piece of information connected with, or having relation to, the state of the Union, was communicated to both Houses of Congress at the same time; and, in the same communication, he recommended for adoption such measures as he deemed necessary and expedient. In that message he very fully and explicitly made known to Congress the precise and exact state of our relations with France. Among other things, he communicated as his "conviction that the United States ought to insist on a prompt execution of the treaty;" and after having expressed his own views fully and explicitly upon the subject of our relations with France, he remarked that, "having submitted these considerations, it belongs to Congress to decide whether, after what has taken place, it will still await the further action of the French Chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive, as far as he is authorized so to do." And it further appears that, on the twenty-sixth of February, 1835, within less than one week before the necessary termination of the session, the President communicated to both Houses of Congress the following message:

"I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government, in Paris or in Washington, except a note of Mr. Serurier, which, for the reasons in the report, is not now communicated.

"It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation, and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the Chambers.

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires.

"ANDREW JACKSON.

"WASHINGTON, *February* 25, 1835."

The object of this communication cannot be misunderstood—there can be no mistake about the matter. It was to put the two Houses of Congress in possession of all the information in possession of the Executive upon the subject of our relations with France, which had come to his knowledge after his message at the opening of the session; and this information was communicated at the latest possible period, to enable Congress to act upon the subject, if they deemed any action expedient and necessary; expressing, in the conclusion of his message, his entire confidence in Congress, and that, on their part, every thing would be done to maintain the rights and honor of the country which the occasion required. There was a peculiar propriety in making this communication at the time it was made—it had become necessary; it was near the close of the session; it was, in all probability, the last communication which the President would be able to make to that body upon that absorbing subject. The Senate had, also, more than one month before this communication was made, upon the report of their Committee on Foreign Relations, unanimously come to the resolution "that it is inexpedient at present to adopt any legislative measure in regard to the state of affairs between the United States and France."

The House of Representatives had the subject before them at the time this last message was communicated; and on the very day next following the receipt of this message the Committee of the House on Foreign Relations reported the following resolutions:

"1. *Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist upon its execution, as ratified by both Governments.

"2. *Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

"*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

And, at a subsequent day, as late as the second of March, the House finally came unanimously to the resolution "that the treaty with France of the fourth of July, 1831, ought to be maintained, and its execution insisted on"--yielding the last resolution which the committee had reported on the twenty-seventh day of February, for the reason, as expressly stated by the chairman of that committee, to produce a unanimity in the vote of the House upon the adoption of the first resolution; at the same time communicating that he should offer an amendment to the fortification bill, then pending in the House, appropriating, conditionally, three millions for the purpose of national defence. These proceedings on the part of the House had become matter of history; they were published in the papers of this city; and they must have been known to the members of the Senate. The amendment then proposed by Mr. Cambreleng, as the chairman of the Committee on Foreign Relations, to the fortification bill, which is now the subject of debate, was what that committee deemed and the House considered expedient and necessary to do upon the subject of our affairs with France. The question was then pending in the Chamber of Deputies; whether they would or would not pass the bill of indemnity was unknown; whether they would pass it untrammelled with conditions was alike unknown. This amendment, then proposed, comprehended all that the House regarded as necessary to be done under all existing circumstances. It was the action of that body. It was agreed to by a very decided majority of that body. Among the yeas are included the names of some of the most distinguished members of that House, who were opposed to the administration. That this amendment was offered, not to defeat the fortification bill, but to carry out the message of the President of the 26th of February; that it was offered as a precautionary measure, considering the attitude and the position of our affairs with France, no person conversant with the facts can for one moment doubt.

The gentleman from Massachusetts remarked "that the proposed grant was defended, so far as it was defended at all, upon an alleged necessity growing out of our foreign relations." The terms of the grant, of the amendment itself, leave not a shadow of doubt upon the mind how it happened to be offered; and the history of the proceedings shows clearly and explicitly why it was proposed at the time as an amendment to the fortification bill. If, then, I am correct, the President had communicated, not to one House, but to both Houses, the very information which he was required to communicate under the clause of the constitution to which the gentleman has referred.

He not only had at the opening of the session sent in his message, giving full information of the state of the Union, but as late as the 26th of February he communicated, by special message, the then state and condition of our relations with France: that the Chambers had not then passed the indemnity bill, and the instructions which he had given to our minister at that court. He had done all that could by any possibility be required of him to do. By the message he left it for Congress to decide upon the measures to be adopted. All that the constitution required of the President, all that a patriotic regard to the state of the country required of him, had been done; all that the peculiar and embarrassing attitude of our affairs with France had suggested was faithfully communicated to both Houses of Congress; and it was this message, it was the exposed and defenceless state of our country, it was the necessity growing out of our relations with France, that induced the House to propose and adopt the amendment. It was all this which made the amendment necessary, expedient, and proper.

How, then, could the honorable Senator from Massachusetts urge as an objection, that Congress were in the dark—that no information had been communicated from the Executive—that we had no executive recommendation—whether the measure was or was not required—whether it was or was not necessary and proper. Sir, can the gentleman show to this Senate that it has ever been the practice of the Executive to do more than what was done by him in relation to this subject? Would the gentleman have had the Executive call in direct terms for an appropriation of three millions of dollars, the expenditure of which to be committed to his discretion? I presume not. Would he have had the Executive, after having communicated, through his Departments, the precise condition of our navy, the state of our fortifications, the amount of our ordnance, and every information necessary for the action of Congress, gone further, and, in this message, have stated that the further sum of three millions of dollars is now required to arm our fortifications, and to have in readiness such a naval force as the exigency of the times demand? I trust not. The President had properly submitted the whole matter to Congress, leaving it with them to do whatever they should deem necessary, expedient, and proper to do. He had stated, in his message at the opening of Congress, what particular measures he considered advisable. In his last message he left, where it should have been left, the whole matter with the Congress of the United States; and yet we are told that we have had no executive communication upon this subject, and on this ground the appropriation was opposed—on this ground it was successfully resisted by the Senate. The position of the gentleman, that this appropriation was opposed on the ground that it did not come recommended by executive authority, strikes me to be wholly untenable; it proves too much. The appropriation was three millions of dollars, for fortifications, ordnance, and increase of the navy—opposed, and successfully opposed, says the gentleman, for the reason that it was without executive recommendation. Well, sir, was there any executive recommendation for the substitute reported by the committee of conference? The gentleman certainly assented to that report; he was himself the chairman of that committee. I am unable to see any real difference between the amendment of the House to the fortification bill and the report of the committee of conference, except in the amount, and except, also, that the expenditure of the three millions, in whole or in part, was left to the discretion of the President. The sum recommended by the committee of conference was an absolute and unconditional appropriation. But it is proper here to remark that the expenditure of the three millions, in whole or in part, left to the discretion of the President, was not particularly excepted to by the gentleman from Massachusetts. If, then, the great objection really was, that the appropriation of three millions had not the sanction of executive authority, that it was not recommended by the President or by either of the Departments, does not the same objection apply with equal force to the report of committee of conference? Where was the authority for reporting, as an additional appropriation for arming the fortifications of the United States, three hundred thousand dollars? We had passed the fortification bill, we had introduced into that bill all the appropriations which were recommended to us, and which we considered necessary and expedient. And how, then, did it happen that a further sum of three hundred thousand dollars was proposed? Nor in pursuance of any executive recommendation, says the Senator, but solely in pursuance of the recommendation of the committee of conference. The same committee proposed, as an additional appropriation for the repair and equipment of the ships of the United States, five hundred thousand dollars: we had passed the usual bill for the naval service, and no such appropriation was then believed necessary or proper. How did it happen that this large appropriation was recommended at that particular time? Not in pursuance of any executive recommendation, the gentleman from Massachusetts contends. How, then? Something must have occurred within the short period which had elapsed between the passage of the bill for the naval service and the time when this large additional appropriation was recommended and proposed. I say, then, sir, there is no more, but just as much authority for the amendment to the fortification bill, as proposed by the House, as there was for the eight hundred thousand dollars proposed as a substitute by the committee of conference; there was an influence, there was a reason, there was a consideration, for the action of the House; the same influence, the same reason, the same consideration, must have operated upon the committee; and what was it, sir? What induced the House to propose an appropriation of three millions of dollars at the time it did? What induced the committee of conference to strike out the three millions of dollars, and to substitute eight hundred thousand? for this is all the real essential difference between the action of the House and the action of the committee. I ask, what had occurred to induce this action of the House and this action of the committee?

The answer is at hand; it was the message of the President of the 26th of February, 1835, giving information of the posture of our affairs with France; of the determination of the Executive, in the event that the Chamber of Deputies should neglect to pass the bill of indemnity. Disguise it as you may, it was the then existing relations between the United States and France which called for this large appropriation. It was our defenceless maritime frontier, it was the unarmed state of our fortifications, it was our unpreparedness to meet a possible contingency, which induced the House of Representatives, upon the communication of that message, in the exercise of its proper discretion, to propose an appropriation of three millions of dollars, to be expended in a certain way, if the expenditure should, in the discretion of the President, become necessary. It was the same consideration which induced the committee of conference to substitute the sum of eight hundred thousand dollars in lieu of the three millions. Then, Mr. President, I cannot fail to come to the conclusion that the first ground of objection made by the Senator from Massachusetts was not well taken. That the facts showed clearly that we were not only not without executive recommendation in this matter, but that it was the Executive's communication which produced the action of the House, and I presume also the action of the committee of conference.

The appropriation embraced in the amendment of the House of Representatives to the fortification bill, which was rejected by the Senate, was a contingent appropriation—its expenditure confided to executive discretion—and I am unable to conceive what more could have been done by the Executive, with reference to this subject, than was done. From my examination, I have not been able to find a precedent where the Executive has done more than was done on this occasion. He brought the subject-matter to the consideration of Congress. He confided in their discretion. He left it for Congress to do whatever they might think proper to do. He called for no definite, no precise appropriation. He asked for no distinct action on the part of Congress. Such a course would, in my view, have been wrong. He committed wisely, judiciously--properly committed--the whole matter to Congress, relying that every measure would be adopted which the honor, the safety, the interest of the country demanded.

At this point, Mr. CLAY moved that the Senate adjourn: Ayes 15, noes 22.

Mr. BUCHANAN moved to lay the subject on the table, for the purpose of going into executive business. The motion was out of order, as Mr. HUBBARD had the floor. On motion of Mr. HUBBARD, the resolutions were then laid on the table.

On motion of Mr. BUCHANAN, the Senate proceeded to the consideration of executive business. When the doors were opened,

The Senate adjourned.

[The subject coming up again the next day, Mr. H. resumed and concluded his speech as given below.]

When the Senate adjourned last evening, I had submitted all the remarks which I had intended to have submitted in relation to the proceedings of the two Houses of Congress at the last session upon the appropriation bills, and particularly upon the fortification bill, as it has been familiarly called in the course of this debate. I had endeavored to answer the first ground of objection taken by the Senator from Massachusetts in his opposition to the amendment of the House to that bill. I can assure the Senate that, in doing what I have done, in doing what I have to do, I have felt impelled by a sense of duty which I owed to my constituents, to myself, as well as to the last House of Representatives, of which I was a member. Whether I have been able to set history right touching the proceedings of the two Houses of the late Congress on the last evening of the session I leave for others to decide. It has been my purpose faithfully to state the facts, in the order in which they transpired. It cannot be denied that the fortification bill was lost. It had passed the House of Representatives; it had passed the Senate, with amendments; those amendments were principally concurred in; one was agreed to, with an amendment; and the consequent action of the two Houses, upon the subject of this last amendment proposed by the House of Representatives, terminated in the sacrifice of the bill itself. It is but an act of justice to the chairman of the committee of conference on the part of the House, to say that, so late was the hour of the night, so determined was a portion of the House that the constitutional power of that body had ceased long before the chairman came in with his report, that it was in my opinion utterly out of his power, and out of the power of any other person, to have induced any action of the House upon the subject of that report, for this plain reason, that a large and respectable number of that House conscientiously believed (if their declarations be credited) that they had no right under the constitution to act upon any subject of legislation; they believed that their functions had ceased. This was, sir, the sentiment, as I remarked yesterday, of Mr. Gilmer, of Georgia, and also of one or more of his colleagues. This opinion, whether right or wrong, influenced the course of many members of that House. The gentleman from Georgia to whom I have referred, stated in his place, before even the committee of conference was organized, that the hour of twelve had arrived. Before that committee could have even agreed upon any report, Mr. Jarvis, of Maine, offered a resolution, "That, the hour having arrived when the term for which this House was elected has expired, we do now adjourn." I say, then, sir, in justice to the chairman of the committee, that there was no quorum of the House in attendance, which fact was ascertained by taking the yeas and nays as well as by tellers, after he came into the House with the report of the committee of conference. And, Mr. President, after the message of the Senate was communicated to the House,

"Mr. Cambreleng, the chairman of the conferees on the part of this House, then rose and stated that he declined to make a report of the proceedings of the committee of conference aforesaid, on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and, further, that he declined to make the said report on the ground that the constitutional term for which this House had been chosen had expired."

Mr. Lewis, from the conferees, then made a report, as follows:

"The conferees had agreed to recommend to the respective Houses that the House of Representatives recede from its amendment containing an appropriation of $3,000,000, to be expended, in whole or in part, under the direction of the President, for the military and naval service, including fortifications, and ordnance, and increase of the navy; and that, in lieu thereof, the bill be amended by inserting therein the following, viz:

"As an additional appropriation, the sum of three hundred thousand dollars shall be appropriated for arming the fortifications of the United States, over and above the sums provided in this act; and that the sum of five hundred thousand dollars shall be, and hereby is, appropriated for the repairs and equipment of the vessels of war of the United States, in addition to previous appropriations; the said sums to be paid out of any money in the treasury not otherwise appropriated.

"The item proposed by the conferees in lieu of the amendment of the House was then read, and the question was stated that the House do adopt the same, when it was objected that a quorum was not present; and, thereupon, Mr. Cambreleng and Mr. Lewis were appointed tellers to return the House; and the House being counted, the tellers reported that a quorum was not present."

The Senator from Virginia, in the conclusion of his speech, remarked, "why or how it happened that the result of the compromise was not reported to the House of Representatives, why or how that House was induced to suffer a bill of that importance to be lost by its own inaction, he did not pretend to know; he had heard something, and he had his suspicions or conjectures, but it was not proper or decent, it would be disorderly, to say what he suspected." For one, Mr. President, I know not, I cannot conceive, to what the Senator refers, unless it be to an allegation made about the time through the public journals. What reliance could be placed upon that statement may be gathered from a publication inserted in one of the newspapers in the city of Philadelphia, made as late as the first of May last. I have subjoined the following extract from the National Gazette. The charge made, and the answer to the charge, are inferrible from a perusal of the extract.

From the National Gazette.

"Last week we gave, in an editorial article, a statement of the causes of the failure of the fortification bill at the last session of Congress. That statement was derived from several highly respectable sources; we believed it to be correct, and we are sure that the particulars were deemed certain by the informants. In substance, it had appeared in other newspapers; and, as the loss of the fortification bill was a serious wrong and evil, we endeavored to ascertain the real history of the case. Yesterday we received from Mr. Forsyth, the Secretary of State, a letter, in which the statement is contradicted in the part that relates to him and Mr. Van Buren. We subjoin the text of his contradiction.

"'The course pursued by Mr. Cambreleng is imputed, in that article, to advice given to him by Mr. Van Buren and myself, to prevent the responsibility of the failure of that bill from falling upon the President of the United States. I am sorry to be obliged to inform you that your paper has been made the instrument of an imposition upon the public. The statement, as regards Mr. Van Buren and myself, is in every respect untrue.'

"With reference to this groundless charge, Mr. Cambreleng himself addressed a letter, which I also subjoin:

"*To the Editor of the National Gazette.*

"MANSION HOUSE, *March* 31, 1835.

"SIR: On my arrival in this city I find, in the National Gazette of the 27th instant, an editorial article, which appears to be founded upon information derived from some of 'the most respectable members of the House' and 'Senators, too, of the highest character,' concerning the proposed appropriation of three millions, and the fortification bill.

"In regard to the notice I gave the House of my intention to move to lay the third resolution on the table, as I proposed to offer an amendment to the fortification bill, authorizing a conditional appropriation of three millions for the defence of the country, it is stated in the article referred to that 'it is denied by some of the most respectable members of the House, who were in positions to know what passed, that any such notice was heard or heard of in the House. Senators, too, of the highest character aver that they were not apprized of it.' I regret, sir, that you should have been imposed upon, no doubt unintentionally, by authority so respectable. By referring to the files of the Globe, and also of the Intelligencer, you will find the notice reported in both papers, in language which could not have been misunderstood, and in ample time to have given the information to every member of both Houses.

"The other statement, that 'Mr. Van Buren and Mr. Forsyth advised Mr. Cambreleng to abstain from reporting the compromise, and to let the bill die in the House,' is unequivocally false, whether founded or not on the same 'most respectable' authority, or on the statements of gentlemen of 'the highest character.'"

"I am very respectfully, &c.

"C. C. CAMBRELENG."

All that I have to say with reference to this matter is, that I had no knowledge of any such occurrence, and if any such transaction ever did take place, let the authors and the abettors be exposed, that the public indignation may rest where it should rest. If it be scandal—pitiful, contemptible, miserable scandal—then let the odium rest on its malignant author, be he whom he may.

The Senator from Massachusetts, speaking of the course of the President in relation to a vote of the Senate indefinitely postponing the nomination of a judge of the Supreme Court, remarked "that this vote of the Senate was carried to the President's room by the Secretary of the Senate," and the "President told the Secretary that it was more than an hour past twelve o'clock, and that he could receive no further communications from the Senate, and immediately after, as I have understood, left the Capitol. The Secretary brought back the paper containing the certified copy of the vote of the Senate, and endorsed thereon the substance of the President's answer, and also added that, according to his own watch, it was a quarter past one o'clock.

"There are two views, sir, in which this occurrence may well deserve to be noticed. One is a connexion which it may perhaps have with the loss of the fortification bill; the other is its general importance, as introducing a new rule, or a new practice, respecting the intercourse between the President and the Houses of Congress on the last day of the session.

"On the first point, I shall only observe that the fact of the President's having declined to receive this communication from the Senate, and of his having left the Capitol, was immediately known in the House of Representatives; that it was quite obvious that, if he could not receive a communication from the Senate, neither could he receive a bill from the House of Representatives for his signature. It was equally obvious that if, under these circumstances, the House of Representatives should agree to the report of the committee of conference, so that the bill should pass, it must, nevertheless, fail to become a law, for want of the President's signature; and that, in that case, the blame of losing the bill, on whomsoever else it might fall, could not be laid upon the Senate."

What does this statement of the gentleman show? One fact, most distinctly, that this communication from the Senate was made as late as a quarter past one o'clock in the morning of the 4th of March. Another fact, also, is drawn from this statement, that the circumstance was immediately known in the House of Representatives, and that it produced an influence upon that body in relation to their proceedings on the report of the committee of conference. The fact that the President had refused to receive a communication from the Senate at a quarter past one o'clock, says the gentleman, was known in the House of Representatives, and influenced the action of that body with reference to the report of the committee of conference; and for what purpose? To save the President from the blame which would necessarily attach to him, in the event that the report should be agreed to, the bill should pass, and his signature should be withheld. This is certainly an assumption somewhat extravagant and extraordinary. The gentleman does not tell us how the President became acquainted with the then condition of the fortification bill, or how the House became informed of the decision of the President, in refusing to receive the communication from the Senate. I had supposed, from the remarks of the gentleman from Virginia, as well as from the remarks of other gentlemen, that it was contended that this report of the committee of conference was made to the two Houses before the hour of twelve o'clock, and therefore should have been acted on. I now learn from the statement of the gentleman, that as late as a quarter past one o'clock the determination of the President was known; and that sealed the fate of the bill. Sir, this is far-fetched. The decision of a majority of the House, with reference to the fortification bill, and with reference to every other public measure, was fixed and determined long before the hour of one of the clock in the morning. The last public business which was done in the House of Representatives that night was the passage of the Cumberland road bill; and, upon the passage of that bill, many gentlemen believed that it was then twelve o'clock, and refused to give their votes accordingly; other gentlemen entertained a different opinion, and did vote on that bill. I did not, for one, believe that it then was twelve o'clock; my watch did not so say. I did not believe that twelve o'clock had arrived when the committee of conference assembled in the committee room; but I must believe that, before the committee reappeared in their respective places, it was past the hour of twelve o'clock. And, sir, when the gentleman speaks of the decision of the President, and of the effect of that decision, he reverses the order of things, he sets forth a cause for an effect, when the effect had been produced before the cause could have operated. He assigns a reason for an event, when the event had transpired before ever the reason existed. Sir, I cannot believe that one Congress can, with any propriety or countenance, continue to transact the public business of the country after the commencement of the term of another Congress. I cannot believe that one Executive can, with propriety, with a strict regard to the constitution and the law, continue to do business after the election of another Executive. I cannot believe that my predecessor could have continued to discharge the duties of his office after the commencement of my term of office. The gentleman from Massachusetts says:

"There is no clause in the constitution, nor is there any law, which declares that the term of office of members of the House of Representatives shall expire at twelve o'clock at night on the 3d of March. They are to hold for two years; but the precise hour for the commencement of that term of two years is no where fixed by constitutional or legal provision. It has been established by usage and by inference, and very properly established, that, since the first Congress commenced its existence on the first Wednesday in March, 1789, which happened to be the 4th day of that month, therefore, the 4th of March is the day of the commencement of each successive term, but no hour is fixed by law or practice. The true rule is, as I think, most undoubtedly, that the session holden on the last day constitutes the last day for all legislative and legal purposes. While the session commenced on that day continues, the day itself continues, according to the established practice both of legislative and judicial bodies. This could not well be otherwise. If the precise moment of actual time were to settle such a matter, it would be material to ask, who shall settle the time? Shall it be done by public authority, or shall every man observe the tick of his own watch? If absolute time is to furnish a precise rule, the excess of a minute, it is obvious, would be as fatal as the excess of an hour."

Now, sir, the very statement of the gentleman is, although the constitution is silent upon this subject, although there is no law fixing the precise hour for the commencement of a congressional term, yet it has been established by usage and by inference that the 4th day of March is the day fixed on for the commencement of the term. Whether it be by positive enactment, whether it be by common law, by common usage, it makes no manner of difference in principle; one term ends when the other begins. The Senator admits that the commencement of the term is on the 4th day of March. And when does the 4th day of March begin? Clearly, when the 3d day of March ends. It is strictly true, that, commencing with 1789, on the 4th of March of every second year thereafter, a new Congress, a new House of Representatives, is elected—a new Senate is organized for the public service. It follows, then, that the public functions of the preceding Congress must have ended with the end of the 3d of March—must have closed with the close of that day. Sir, suppose the President of the United States had called the new Senate together, to meet at the Capitol, at one o'clock in the morning—suppose some extreme case had occurred to have made such a call necessary and proper, who would have been entitled to have occupied these seats at that hour—the members of the old Senate, whose term of office had expired, or the new members, who were to constitute the new Senate? Certainly the latter; their term of office commences with the commencement of the fourth—the term of the old Senate ceases with the close of the third. Sir, the gentleman says it has been not unusual for both Houses to continue in session after the hour of twelve o'clock at night on the third. This may have been so, and it may again occur, no one objecting; but does that fact settle the right? By no means. Do the journals of Congress, do the acts upon the statute book, show that any business was ever transacted after the close of any congressional term? Never, never, sir. The acts passed all purport to be approved on the third—the journals of both Houses show that all the business was done on the third. The official proceedings of an expiring Executive never bear date after the third of March. The true rule is, the Senator says, that the session holden on the last day consitutes the last day for all legislative and legal purposes; while the session commenced on that day continues, the day itself continues. Then, sir, if the two Houses shall assemble on the 3d of March, and shall continue in session, without adjournment, until the fourth at mid-day, it is to be regarded as a session on the third, and therefore constitutional.

Well, sir, by the same rule, may not the old Congress continue in perpetual session? If they can continue in session one day beyond the period fixed for the close of the term, may they not two upon the same principle? May they not weeks and months upon the same principle? All that they would be required to do to legalize the transaction would be to prevent any adjournment; to suffer no such proceeding; to see that the session commenced on the third day continues. While the session commenced on that day continues, according to the Senator's doctrine, the day itself continues. A session, then, commenced on the 3d of March, 1836, may be continued to the 3d of March, 1837, without intermission, and, according to the doctrine of the gentleman, it would be a session of the 3d of March, 1836, and therefore constitutional and obligatory. Sir, I cannot yield my assent to any such doctrine; there is a fixed, a known, a well-established time, for the termination of one Congress, and for the commencement of another; and there is no conceivable time between the two periods. Whenever the 3d of March ends, the 4th of March begins. It is the natural division of time; there should be no fractional part of a day. Whenever the term of one Congress ends, the term of the next begins. This is common sense; this has been the usage, the common law of the land, since the meeting of the first Congress in 1789. The authority of this regulation cannot be impaired at this late day of our history by any construction which ingenuity can devise. Sir, we are not without book upon this subject; the subjoined extract from the journals of the first Congress show what was then done; the history of the legislative proceedings of the several States show that they have strictly conformed to the resolution of the first Congress in relation to this matter.

"30th April, 1790. Mr. Benson, Mr. Clymer, Mr. Huntington, Mr. Moore, and Mr. Carroll, were appointed a committee on the part of the House, tor eport 'when, according to the constitution, the terms for which the President, Vice President, Senators, and Representatives, have been respectively chosen, shall be deemed to have commenced.'

"12th May. Mr. Benson made a report.

"May 14. The Senate informed the House they had agreed to the report.

"May 18. The House agreed to the resolution reported, which is in these words:

"'That the terms for which the President, Vice President, Senate, and House of Representatives, of the United States, were respectively chosen, did, according to the constitution, commence on the 4th of March, 1789; and so the Senators of the first class, and the Representatives, will not, according to the constitution, be entitled to seats in the next Congress, which will be assembled after the 3d of March, 1791.'

"August 9. The Speaker was directed to transmit to the executive authority of each State an authentic copy of the resolution of the 18th of May."

This is all, sir, that I wish to say upon the subject of the functions of the last Congress, with a view to justify that body for the course they pursued in relation to the fortification bill.

The Senate will pardon me for this digression. I felt disposed to state with more particularity than I did yesterday the last scene in the fortification bill. I was desirous to put the Senate in possession of all the facts connected with the loss of that measure. It would be of no avail for me to say how its defeat might have been prevented, or to whose agency its final loss should be attributed. I will not do it. My own opinion would be worth no more than any other person's. I hope it would be worth no less. The American people will judge for themselves. With that judgment I shall be content.

But, sir, while we mourn the demise of this bill, let us profit from this untoward occurrence; let us remedy the evil; let us now make full amends; let us, in truth, one and all, be resolved that we will now do our duty, and that the nation shall no longer suffer by our neglect. I do, as sincerely, I trust, as any other man, lament the fate of the bill. It cannot but be regretted in every point of view. But, Mr. President, the grounds on which the amendment was opposed in the Senate ought to be examined and well considered. The grounds of objection, as taken, must be regarded as matters of no little consequence to those who were its friends in the House of Representatives. It was objected to, it was opposed, and successfully opposed, mainly on constitutional grounds. If, then, the grounds of objection were well taken, it follows that those of us who supported the amendment infringed, by that act, the federal constitution. Now, sir, I wish to satisfy my own people, if I can be so fortunate, that I am not obnoxious to this charge; that I have not advocated, that I have not supported, this amendment in disregard of the provisions and injunctions of the constitution. I must, therefore, still further examine the grounds of objection taken to this amendment.

The Senator from Maryland remarked that, "by reference to the proceedings of the Senate of last session, we shall find that, upon due consideration, the Senate unanimously resolved that it was "inexpedient to adopt any legislative measure in regard to the state of affairs with France." By looking at the history of the proceedings of the other branch of Congress, as now upon record, we find that the House, so late as the 2d March, after a full view of all the despatches sent by the Executive, unanimously decided that the "treaty with France should be maintained, and its execution insisted on," and said no more; and we see also that a resolution, "That contingent preparation ought to be made to meet any emergency growing out of our relations with France," introduced by the chairman of the Committee on Foreign Relations in that House, was by that chairman, on the same day, 2d of March, laid upon the table, where it quietly reposed during the short remnant of the session.

I have already stated how it happened that there was no action of the House on this contingent resolution proposed by the Committee on Foreign Relations; and if the journals of Congress could contain a faithful record of the speeches, as well as of the votes of the members, there would be now no difficulty--there would be now no misapprehension in relation to this whole matter. But, sir, in confirmation of what I said yesterday, I would quote the declarations of Mr. Cambreleng, published in one of the papers of this city, by the agency of the gentlemen who act as reporters in Congress.

"Mr. Cambreleng said it was his object to avoid debate on this question: if we were to have peace with France, which he sincerely hoped and expected, the less that was said the better; if war, the next Congress would have enough to say upon the great question. As to the first resolution, he cared not for the form, provided the substance could be preserved, and the rights and honor of the country be maintained. He would concur in any modification which the House might deem expedient. He should also, to secure unanimity, disembarrass the question of our relations with France, by relieving gentlemen from the miserable question concerning the Bank of the United States. His sole motive in introducing that subject was to show not only to this country, but to France, that, if driven into a war, we had the means of carrying it on without recourse to taxes or loans.

"He proposed that the third resolution, declaring that preparation ought to be made, should be laid upon the table, as he designed to take a more effective course. He should offer an amendment to the fortification bill, when returned from the Senate, appropriating one million for the army, and two millions for the navy, in case it should become necessary before the next meeting of Congress. This, he understood, would be all that was required by the executive branch of the Government. With these modifications, he hoped the resolution would meet the approbation of the House."

This proceeding, I stated, must, in all probability, have come to the knowledge of the members of this branch of the Government. Certain the fact is, that it was that very proceeding—the vote to lay the contingent resolution upon the table—which induced the chairman of the same Committee on Foreign Relations to propose as an amendment to the fortification bill the appropriation of the three millions of dollars.

The honorable Senator from Virginia has very distinctly stated his grounds of objection: he regarded the amendment as an infraction of the constitution.

It was not the amount which alarmed either the Senator from Maryland or the Senator from Virginia. The Senator from Virginia has very distinctly stated that his objections to the amendment were on constitutional grounds; that he regarded, of course, the proposed amendment as an infraction of the constitution. The following extract from his speech shows his views:

"The opposition to it was founded principally on constitutional grounds; it was objected that it was in fact a general vote of money to the Executive, for the defence of the nation, to be used at his absolute, unlimited discretion. That the proposed appropriation was not sufficiently specific; that the amendment would place this large sum of money in the President's hands, with power to apply every dollar of it to whatever arm of the national defence he thought proper, and judge when defence would be proper; in other words, to determine the question of war or peace. The objection was not so much to the amount, though no estimate had been laid before us, and we had no data on which we could judge of the reasonableness of the appropriation. Nor was the objection rested on any distrust of the Executive in the exercise of such a discretion."

The objection, then, of the Senator from Virginia, was, in substance, that the appropriation was too general, two indefinite, not sufficiently specific. He did not distrust the Executive in the exercise of the discretion confided to him. He made no objection to the amount of the appropriation; but it granted to the Executive a power too unlimited. The terms of the grant were too unqualified. This is also the second ground of objection assumed by the Senator from Massachusetts; and it is my object, before resuming my seat, to undertake to answer this objection. Before proceeding, however, to consider this objection, I would, with reference to another ground of objection, and on which I have already submitted some remarks, ask what, sir, has been the history of the legislation of Congress upon the subject of appropriations. What has been the course of both Houses ever since the adoption of the constitution? I appeal to the journals. I appeal to the recollection of those within the reach of my voice for the correctness of what I now state, that three fourths of the bills appropriating money from the treasury originate in one or the other of the two Houses of Congress, not only without executive recommendation, but without executive knowledge. Such bills have never been opposed on the ground that they have not been recommended, that they have not been urged by executive influence. A proceeding of such a character on the part of any Executive, would, I trust, furnish good ground of objection. Such an interference would not and should not be tolerated by the representatives of the people. I would ask whether the Senator himself, when he recommended the large appropriation, when he procured the passage of a bill making that large appropriation for the adjustment and final satisfaction of the claims of our citizens for French spoliations prior to the year 1800, had the authority of executive recommendation. No, sir. In the nature of things it cannot so be. The Senator from Massachusetts has well and truly remarked "that the two Houses, and especially the House of Representatives, are the natural guardians of the people's money;" "they are to keep it sacred and to use it discreetly." And it is, sir, on this very ground that an appropriation coming voluntarily, unasked, and uninfluenced, from the representatives of the people, carries with it a stronger claim for support than any appropriation would, when proposed by executive recommendation.

When the representatives of the people, when the popular branch of our Government, the natural guardians of the people's money, in the exercise of their sound discretion, on their responsibility, ask for an appropriation, it strikes me as novel, as extraordinary, as passing strange, that the Senate, the other branch of Congress, the co-guardians with the House of Representatives of the people's money, should oppose it, because the appropriation is not called for by executive recommendation.

This appropriation, sir, was asked, was constitutionally asked, by the highest authority under our Government. It was asked by the House of Representatives; and, if proper, if expedient, if necessary, it ought to have been granted.

The view, then, which I have taken of this subject has rendered that part of the message communicated to Congress at the commencement of the present session unexceptionable. The appropriation was made in accordance with the views of the Executive. Not that the Executive had in express terms asked for this appropriation.

He had communicated by his message information upon the subject of our affairs with France; he had left it to the discretion of Congress to devise such measures as they might deem expedient. The House of Representatives had proposed to appropriate, conditionally, three millions of dollars, to be expended upon certain objects, if the President should consider the expenditure of the whole or of a part called for. Such a disposition, then, of this subject, such a proposition, was undoubtedly in accordance with the views of the Executive, and was clearly, in my judgment, made necessary by the then existing circumstances.

There is no mystification, there is nothing extraordinary, in that clause of the President's message.

What was the particular paragraph in the message of the President at the opening of the present session which has provoked such severe animadversion? It is subjoined:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the national Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the proposition submitted by him, and to place our whole Alantic seaboard in a complete state of defence. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which, at the present juncture, give it peculiar force, and make it my duty to call to the subject your special consideration."

I shall not notice any other part of this extract from the message, except that which speaks of the regret entertained for the loss of the fortification bill, because "it contained a contingent appropriation, inserted in accordance with the views of the Executive." And what is the plain, straight-forward English of this clause? That the Executive made an official communication to one branch of Congress which he withheld from the other? By no manner of means. He might, or he might not, have said that, to make such an appropriation, under existing circumstances, would be all that Congress could do. He might, or he might not, have said that such a contingent appropriation would, in all probability, meet the exigency of the times. But it cannot be said that it is inferrible that he exerted his official influence to procure the passage of that appropriation. He had laid the subject before both Houses of Congress, upon which the amendment was predicated, and this was all that he had done. And when his message, at the opening of the session, speaks this, that the appropriation was in accordance with his views, he says no more and no less than that the action of the House upon this subject met his approbation. The Senate had the same lights upon this subject with which the House were favored. It was the message of the 26th of February. It was the state and condition of the country which induced the appropriation; that message was alike communicated to the Senate; the state and condition of the country was alike known to them.

I will now, Mr. President, proceed to notice the principal objection stated by the Senator from Virginia, and the last objection stated by the Senator from Massachusetts, to the amendment.

The gentleman from Massachusetts states his second objection to the amendment of the House to be, that "the constitution declares that no money shall be drawn from the treasury but in consequence of appropriations made by law. What is meant by 'appropriations?' Does this language not mean that particular sums shall be assigned by law to particular objects?" That the proposed appropriation was too general in its character. "It was as general as language could make it. It embraced every expenditure that could be called either military or naval. It was to include 'fortifications, ordnance, and increase of the navy,' but it was not confined to these. It embraced the whole general subject of military service. Under the authority of such a law, the President might repair ships, build ships, buy ships, enlist seamen, and do any thing and every thing else touching the naval service, without restraint or control.

"He might repair such fortifications as he saw fit, and neglect the rest; arm such as he saw fit, and neglect the arming of others; or build new fortifications wherever he chose. But these unlimited powers over the fortifications and the navy constitute, by no means, the most dangerous part of the proposed authority; because, under that authority, his power to raise and employ land forces was equally absolute and uncontrolled. He might levy troops, imbody a new army, call out the militia in numbers to suit his own discretion, and employ them as he saw fit."

The first answer to this objection is, that if it was too general in its character, if it was not sufficiently specific, it would have been clearly within the power of the Senate to have made its phraseology entirely unexceptionable.

Not that the Senate could have offered any amendment to the amendment of the House, because that was but an amendment to the amendment proposed by the Senate to the fortification bill. But if the Senator from Massachusetts had excepted to the terms of the amendment, he could have effected his object most readily by asking a conference at the time he made his motion to adhere, there would then have been a sufficient time to have accomplished any such purpose. The friends of this amendment in the House were not so very tenacious of the style and phraseology that they would not have made any alteration whatever, if they could have secured the object; the appropriation for fortifications, for ordnance, and for the increase of the navy. Therefore, there could have been no difficulty in making the terms of the amendment perfectly unexceptionable, entirely conformable to the taste and to the judgment of the Senator himself.

The gentleman has favored us with his construction of that clause of the constitution which provides that no money shall be drawn from the treasury but in consequence of appropriations made by law. Clearly so, sir. But would it not have been an appropriation by law, if the public money had been set apart for any purpose, with the approbation of the representatives of the people and of the States in Congress assembled? Is not Congress to decide for what purposes the public money shall be appropriated? I have yet to learn that, if the amendment, as adopted by the House, had passed into a law, that the law could have been regarded as unconsitutional, for the reason that the appropriation in the terms of the amendment was not sufficiently specific.

The amendment states with perfect distinctness the amount to be appropriated; it defines the objects upon which the appropriation shall be expended, if expended at all; and it clearly sets forth on whose responsibility, and at whose accountability, the expenditure should be made. What more could be required? The amount, the object, the accountability, well defined. The Senator says, "it was as general as language could make it." Is it so, sir? I ask, what would be the fair, straight-forward construction which would be given to the amendment of the House? It proposes an appropriation of $3,000,000 for the military and naval service, including "fortifications, ordnance, and increase of the navy;" in other words, it proposes for those objects, and for those objects alone. No one charged with the execution of a law containing, in precise terms, such an appropriation, no one to whom such an expenditure should be confided, would presume to lay out a single dollar of the appropriation except upon the very objects specially enumerated in the amendment, "fortifications, ordnance, and increase of the navy." If the amendment had not contained the word "including," there would be no room for doubt. If the amendment, instead of the word "including," had used the word "meaning," there could be no doubt.

In my apprehension, then, without committing any violence upon language, such a construction, plain common-sense construction, could be fairly made as to the amendment; which would, in effect, entirely exempt it from the objection stated by the Senator. But, take it as it is, in its broadest sense, and accept the description of the Senator from Massachusetts, "that it is as general as language could make it," yet it is no departure from the authority of precedents. Our statute books are replete with appropriations as general, as undefined, as unlimited, as the appropriation proposed by the amendment of the House to the fortification bill. I will here give to the Senate precedents to show what has been the legislation of Congress upon this subject ever since the adoption of the constitution. At the very first session of Congress, immediately after the adoption of the constitution, when its provisions must have been familiar to every man who composed that assembly, an appropriation bill was passed, and appoved by Washington himself, for the service of the year 1789, from which I make the following extract:

"That there be appropriated for the service of the present year a sum not exceeding two hundred and sixteen thousand dollars, for defraying the expenses of the civil list under the late and present Government; a sum not exceeding one hundred and thirty-seven thousand dollars, for defraying the expenses of the Department of War."

And on the 2d of March, 1801, an appropriation bill was passed and approved by the then President, from which I make the following extract:

"For the fortification of ports and harbors within the United States, the sum of two hundred thousand dollars.

"For the fabrication of cannon and small arms, and the purchase of ammunition, being the balance of appropriations unexpended, which have been carried to the surplus fund, four hundred thousand dollars."

It would seem that no language could be used more general, less specific, than the language used in the two preceding extracts, and the appropriations proposed by them as unlimited as the appropriation proposed by the amendment in question.

The Senator has referred to the doctrines of Mr. Jefferson upon this subject, and asks, "What have the friends and admirers of Mr. Jefferson to say to this appropriation? Have they forgotten, all forgotten, and wholly abandoned, even all pretence for specific appropriation? If not, how could they sanction such a vote as this?" There is nothing in the writings of the individual to whom the Senator has referred, conveying a sentiment that appropriations like the one proposed by the House in their amendment, is an infringement of the constitution. In his first message to Congress, he holds that—"In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition, by disallowing all applications of money varying from the appropriation in object, or transcending it in amount, by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious, and uniform."

The whole amount of the doctrine of Mr. Jefferson was, as deducible from the preceding extract, that specific appropriations should be encouraged with a view to a corresponding accountability. Examine the proposed amendment of the House, and there is no doubt that there is not only "designation of object," but a clear accountability created. The purpose of Mr. Jefferson is well secured by the appropriation contained in the amendment of the House. But we are not without authority, even in the days and under the administration of Mr. Jefferson, for this proceeding of the House. In 1802 an appropriation was made "for erecting and completing fortifications and barracks, seventy thousand five hundred dollars." Without defining what portion of this sum should be expended upon fortifications, and what portion should be expended upon barracks—without defining in what State fortifications should be erected, and in what they should not—confiding the whole expenditure to the Executive. In 1803 a bill passed appropriating "for fortifications, arsenals, magazines, and armories, one hundred and nine thousand six hundred and ninety-six dollars and eighty-eight cents;" and in 1807 Congress passed an act, which was approved by Mr. Jefferson, as general and as undefined as the amendment in question. It gave to the President authority to expend the whole appropriation upon what port or upon what harbor he might please. He had power to expend it in fortifying the harbors upon the lakes, or in protecting the ports upon the seaboard. There was one all-important and essential ingredient in every appropriation clearly preserved; and that was accountability to Congress—responsibility to the nation. Precisely so in the amendment to the fortification bill, as proposed by the House. It not only fixed the sum, and with sufficient degree of certainty the objects, but a clear responsibility, a direct accountability, upon the person charged with the expenditure. I would ask any candid person to show the difference between the following appropriations, made by Congress in 1807:

"That a sum of money, not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, be, and the same is hereby, appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected;" and that contained in the amendment of the House.

As late as 1812, when the honorable Senator before me [Mr. Calhoun] was in Congress, aiding with all the powers of his mind to advance the interest, by maintaining the honor of his country, an appropriation bill was passed, providing "that the sum of five hundred thousand dollars be, and the same is hereby, appropriated, in addition to the sums already appropriated, for the purposes of fortifying and defending the maritime frontier of the United States; and that the same be paid out of any moneys in the treasury not otherwise appropriated."

No proposition could be more general in its terms, no one could be more comprehensive in its objects; it embraced the whole subject of fortifying and defending the maritime frontier of the United States, in just the way and manner the Executive should determine. This bill was strenuously opposed in the House of Representatives, but was finally passed by a large majority, and among those voting for this appropriation will be found the name of the Senator before me, and also the name of Mr. Randolph, of Virginia, whose views upon constitutional power are well known. If possible, a still more undefined and unlimited appropriation was made under the same administration, providing "that the sum of five hundred thousand dollars be, and the same is hereby, appropriated, in addition to the sums already appropriatied, for the purposes of fortifying and defending the ports, harbors, and maritime frontier of the United States."

From the cases cited from the precedents which have been referred to, there seems to be no lack of authority for the proceeding of the last House of Representatives upon this subject. There is an indispensable necessity, growing out of the complicated and multifarious business of Congress, to make general appropriations, confiding the expenditure to persons of responsibility. It is not the sum of an undefined appropriation which makes it unconstitutional; if you appropriate ten thousand dollars for contingencies, without specifying any object, it is just as, and no more, unconstitutional, than it would be if you appropriate ten millions of dollars for like purposes.

We are in the habit, year following year, of granting money for contingent expenses to every Department, and to every subordinate bureau under the Government; and to both Houses of Congress such appropriations are made: they are not specific; they could not be so; but are they less constitutional?

The very amendment proposed by the Senator himself to the fortification bill has not the character of a specific appropriation—"one hundred thousand dollars for improving the defences within the State of Maryland."

In all these appropriations the great principle to be preserved is accountability. No matter what may be the terms of an appropriation bill, keep alive a due responsibility in the expenditure of the people's money, and you will not fail to preserve inviolate the letter and spirit of the constitution.

The Senator from Massachusetts, in conclusion, remarked that he dare not prophesy how long the Senate could bear this partisan warfare; that unless there be an adherence to the constitutional principles which the Senate have sustained, unless "we can give to true principle its superiority over party," then there are among the living those in the land who will record the last days of the republic. Where does the Senator perceive ground of apprehension? Where exists the cause of alarm? Not in the spirit of enterprise which is abroad in the land; not in the unexampled prosperity of our common country; not in the extraordinary success which crowns the efforts of every class of our citizens; not in the elevated character and condition of the moral, religious, and literary institutions of the Union. These realities are within the range of every man's observation. It would indeed be difficult to imagine where are concealed the fires which are to consume the free institutions of the republic.

It would, indeed, be difficult to imagine where exist the imminent dangers which are besetting us and threatening to involve in one common ruin the labors, the intelligence, the experience, of half a century. Where is the destroying wave; the overwhelming cataract? Mr. President, there is more fancy than fact, more poetry than prose, in the description of surrounding dangers. We are constantly reminded of the great contest now waging between power and liberty; we are told, day following day, of violations of the constitutional compact. But, thanks be to Heaven, the country is safe; the people prosperous and happy. When the Senator adverts to the untiring efforts of the Senate to maintain sacred and inviolate "the stern and sturdy principles of the constitution," does he intend to say that the other branches of the Government are less faithful in the way of duty? Will he assert that the representatives of the people disregard the provisions of that instrument? Sir, I cannot believe it. The frequency of elections is the political thermometer in the hands of the people, by which the character and fidelity of every public servant is determined. If the representative fails to execute the trust confided to him, there will be no failure on the part of the constituent in the discharge of his duty.

I am free to say, Mr. President, that I for one have no fears, no apprehension, for the permanency of our institutions, for the peace and security of this republic, and for the preservation and perpetuity of the federal constitution. Sir, I do not believe that there are among the living those who will record its last days. There is too much intelligence, too much virtue, too much patriotism, abroad in the land to warrant any such declaration, or to justify any such conclusion. I will not believe that there exists any party, in any section of our happy country, who would, if they could, sow the seeds of disunion; who could, if they would, produce a dismemberment of this confederacy. The bond of union is too strong to be severed by light causes. It is a union of interests, established by the services and sealed with the common blood of our revolutionary fathers. Such a union will continue unbroken, undissolved, unimpaired, as long as virtue and intelligence shall find a resting place in our land.

What remains to be done? What is the voice of wisdom and experience? What are the lessons derived from history? All combine to teach us, in time of peace, of general tranquillity, to prepare for the greatest of all calamities—a national war. What, then, remains for the Congress of the United States, the representatives of more than fourteen millions of people, to do now, promptly and efficiently? Sir, nothing less than to put our whole country in a state of perfect defence--of entire security. It is not yet, Mr. President, half a century since the nation commenced an existence under our constitution; and although we have incurred the expenses and charges of two protracted wars, yet we now present to the world the imposing, the great moral spectacle of a nation free from debt, rich in resources, with a population zealous in the cause of popular rights, determined to maintain public liberty at every hazard, resolved that the constitution of their choice shall never be surrendered, except with the surrender of honor, of life, of every thing sacred. Yet, sir, it is a lamentable, a melancholy fact, that in our full tide of successful experiment, that in our day of unexampled prosperity, we have, year following year, been deaf to the voice of wisdom and experience. We have not, in these days of our glory, prepared for that exigency, for that dreadful scourge, for that dire calamity, which has occasionally happened between sovereign nations since the commencement of time. We have not prepared for war. Sir, at this very moment our whole maritime frontier is defenceless. We have here and there a fortification, dilapidated and ruinous, without men and without guns. It is not yet, sir, sixty years since we declared ourselves a free and independent people; and yet, one fifth part of that period we have actually been engaged in war with our mother country.

It cannot be supposed that another sixty years will come without the occurence of some of those conflicting and embarrassing causes between nations which tend to war. I would, then, Mr. President, be prepared, be well prepared, for such an event. I would be prepared, as a precautionary measure, as a preventive of that worst of all evils. I would fortify every weak and vulnerable point. I would strengthen the arms of national defence. I would increase our naval power. In a war with any transatlantic Power, it would be our reliance, our security. Our ships of war should be increased as our wealth, as our commerce, and our population, increases. We should be ready, in any possible emergency, on the shortest possible notice, to float a naval force sufficienct to protect our commerce, and to maintain our honor, in every sea and in every ocean. I would put our whole maritime frontier, by an unbroken chain of fortresses, well armed and well manned, in perfect security. I would render the country from Maine to Florida, I would render our frontiers from the lakes to the ocean, impregnable to any foreign enemy. And now, Mr. President, is the fit, the accepted time to carry on these great works for national security and defence; we are supplied with an abundance of available means; we have given encouragement to one of the great interests of our country that we will not disturb a measure appertaining to that interest for half a dozen years yet to come. We are every day and every hour adding to our resources. There cannot, then, be a more opportune period for completing the great works for national defence and for national security. Such expenditures would cement more strongly the bond of national union, would fasten together the ties and the cords of this great confederacy. The Senator from Massachusetts remarked, "that if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, he would not agree to it." Such a sentiment, such a feeling, I could not, if I would, entertain. France has her sixty sail hovering upon our coast--a fleet come hither to observe our course, to watch our movements, to see that we offend not her honor; and with such realities, could an American Senate long debate about an appropriation which necessity, imperious necessity, demands? Should we stand here to inquire of each other, whether the appropriation came to us upon the authority of executive recommendation? Should we stand here to criticise the terms of the grant, whether they be general, or whether they be specific? No, sir. We should do our duty--our whole duty--regardless of form, untrammelled by ceremony. We should look to the state of our beloved country, ascertain her wants, acquaint ourselves with her condition, and promptly and energetically apply all the means within our power for her defence—for her security. There should be, sir, no two ways about it. Shall we speculate here about the checks, the provisions, the injunctions, of the constitution, with an enemy at our door? We should lay aside our speculations, and with one heart, with one mind, go forth to do our duty, to defend and to save the republic. This, sir, should be the feeling, and this should be the course, in the day of danger. And I will do no Senator so great injustice as to suppose that he would be backward in the way of his public duty. For one, I should be most unfaithful to the patriotism of my own State should I fail to do all I can do for the defence and the permanent security of our country. The sacrifices of the fathers of the Revolution, the founders of this great confederacy, remind me of my bounden duty to do all that I can do to preserve the inheritance purchased by their valor and preserved by their virtue. My own native State, which boasts of "her light infantry Poor, and her Yorktown Scammel," would rebuke me, should I hesitate to do all that I can do for the defence and permanent security of their beloved country. My own sense of duty would condemn me, should I suffer myself to be embarrassed by ingenious hypercritical exceptions to constitutional power. I will do my duty, when occasion requires, as the exigency of the times and the circumstances of the country may demand. I will do my duty, regardless of consequences; not doubting that I shall always find ample authority, sufficient warrant, in the constitution, for any and for every public act having for its object the preservation of the confederacy, the defence, the permanent security, of the country.

Mr. President, we have nothing to fear from external or from internal enemies, from foreign collisions or from domestic excitement, if we, the representatives of the States and of the people, are faithful to the country, faithful to ourselves, faithful to the constitution. The fidelity of the North will never tire; the patriotism of the South will never keep back. They will go together; they will on all occasions present an unbroken force in resisting every enemy, and in putting down every excitement. Our Southern friends may be assured that there is no disposition existing in the free States to break in upon the compromise of the constitutional compact, to invade their rights of property. That slavery is regarded as a great evil by the philanthropist, in every section, cannot be doubted; but that the good men of the North, that nineteen twentieths of her moral and of her physical power will, on all occasions, and at all times, be put in requisition to defeat the mad and visionary schemes of fanaticism, is alike free from doubt.

Let us, then, with a common feeling of patriotism, unite in the prosecution of this work of national defence. Let us lay aside party considerations, and go forth in our might to do our whole duty for our country. Let us rally around the Government of our choice, and sustain and support our institutions by the exertion of every moral and intellectual power.

Let us bear constantly in mind the injunction of one of the great political fathers of the republic, "That the preservation of the federal Government in its whole constitutional vigor, is the sheet anchor of our peace at home and our safety abroad."

Thursday, January 21.

After transacting some other business,

The Senate proceeded to consider the resolutions offered by Mr. Benton.

The question being on the motion of Mr. Goldsborough to amend,

Mr. **HUBBARD** resumed and concluded the remarks which he commenced yesterday; the whole of which are given in preceeding pages.

On the suggestion of Mr. **CALHOUN**,

Mr. **GOLDSBOROUGH** withdrew his motion to amend.

Mr. **GRUNDY** moved to amend the first resolution, by inserting, after the word "that," the words "so much of;" and in the third line, after "States," the words "as may be necessary;" so as to make it read, "that so much of the surplus revenue as may be necessary shall be applied," &c.

Mr. **BENTON** accepted the amendment as a modification of the resolution.

On motion of Mr. **WHITE**, the further consideration of the subject was postponed till Monday.

The resolution, as amended, was ordered to be printed;

And the Senate adjourned to Monday.

Monday, January 25.

Mr. **ROBINSON** presented the credentials of W. D. Ewing, elected a Senator of the United States from the State of Illinois, in the room of Elias K. Kane, deceased.

Mr. Ewing was then introduced and qualified.

NATIONAL DEFENCE.

On motion of Mr. **WHITE**, the Senate proceeded to consider the resolutions introduced by Mr. Benton.

Mr. **SOUTHARD** asked for the reading of the resolutions, as they had been amended on the suggestion of the Senator from Tennessee, with the approbation of the mover; and they were read by the President in these words:

"*Resolved*, That so much of the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country.

"*Resolved*, That the President be requested to cause the Senate to be informed of—

"1st. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

"2d. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field pieces) for their militia, and with side-arms and pistols for their cavalry.

"3d. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

"4th. The probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

Mr. **SOUTHARD**. The Senator from Missouri has not informed us whether the objects mentioned in the call which he proposes to make on the Executive are each to have part of the surplus revenue expended upon them, or whether it is to be confined to them. We are left, therefore, to infer that they are all to be accomplished, and that they are the means and the only means to produce the "strength and respectability which are due to the security and to the welfare of the

Union;" and that the surplus is to be pledged to them, and them only, until they are all completed. They are, certainly, numerous enough, and of sufficient magnitude, to attract our admiration. Forts, on the lakes, ocean, gulf, and inland frontier--armories, and arsenals, sufficient to construct artillery, side-arms, and pistols—ordnance, arms, and munitions of war—increase of the navy, navy yards, dock yards, and steam batteries: these are to be provided for, to the exclusion of other objects of interest which may hereafter be presented. The scheme is sufficiently large. It will answer exceedingly well for purposes of speculation, comment, and applause before the public, but is not very likely to produce much good. Such magnificent schemes generally end in small results. The money necessary to complete the one under consideration must be counted by tens of millions, and the time by scores of years. But while the people cannot doubt that its friends are devoted to their interests, it is to be hoped that those who cannot elevate themselves to its magnitude may not be regarded as less anxious for "the general defence and permanent security of the country." I do not, however, object to the inquiries. They may procure from the Executive information which may be useful when the Senate is called to act upon less extensive and more unpretending plans.

Before I vote for the resolution in its present shape, I wish some explanation of its terms. What is the "surplus revenue?" It is generally understood to be that amount of money which remains in the treasury after all the appropriations have been made and expended. Now, these appropriations are for such objects as are deemed by Congress necessary for the support of the Government, and for the general defence, security, and prosperity, of the country; for the civil and diplomatic list; the army; the navy; the fortifications; for each and every object for which it is the duty of Congress to provide. Does the resolution, then, mean to declare that, after Congress shall have granted whatever is necessary for forts, army, navy, &c., so much of the remainder as is necessary for those same objects shall be pledged to them? They are first to receive all the support which is necessary for them, in the opinion of Congress, and, after that, to receive as much more as shall be necessary for them. Who is to judge what more is necessary, after Congress has applied what they deem necessary? The resolution has something of the aspect of the fortification bill of last year. Congress applied by it what was necessary for them, beyond the estimate of the Executive, and then the bill gave three millions more, if that same Executive should think it necessary.

The mover of the resolution has informed the Senate that it is modelled, "on purpose," after the resolution devoting the revenue to the national debt. But the want of parallel between the cases is quite apparent. The national debt was not an object of ordinary appropriation, as are the fortifications, the navy, and other matters enumerated in this resolution. They were then, if they are now, the fit subjects for appropriations; and after they were provided for, the surplus was with great propriety devoted to the extinction of that debt; but if appropriations such as Congress deemed necessary for that debt had been made, it would have seemed strange to those who passed that resolution to have declared that so much more of the surplus as was necessary should be pledged for its payment. That debt is no longer a burden to the nation, and the credit of our relief from it is due to those who wisely devised and put in operation the plan for its extinction; not to those who happened to be in power when the last payments were made, and who, with so much self-complacency and imposition upon the public, have claimed the whole merit. They have one merit only, that of not having actually violated the law which commanded them to make the payments; and this is no ordinary merit, I admit, in times like these.

But if I understand the Senator aright, he declared that he had "on purpose" presented this resolution as a mode of resisting the plans proposed by the Senators from Kentucky and South Carolina. The proposition of the Senator from Kentucky would direct a distribution of the proceeds of the public lands among the States; and is founded upon the idea that these proceeds belong of right to the States, and that they are the proper authorities to select the objects on which they shall be expended. That of the Senator from South Carolina proposes that all the surplus revenue, after the ordinary calls of the Government have been satisfied, shall be divided in the same mode. These are, at least, practicable schemes of public usefulness, and I am not willing that their consideration should be put aside by one like that contained in the present resolution. They ought, at least, to be fairly met, fully discussed, and decided on their merits; not defeated by propositions which, with high pretensions, can lead to no useful end, much less by a plan which leaves the whole surplus revenue to be expended by agents of the federal Executive, with all its instruments of corruption and extravagance.

But, Mr. President, the argument by which the resolution was sustained is calculated to attract more attention, and deserves to be examined. It seemed to me to consist, principally, in three propositions:

1. We shall probably have war with France.
2. The nation is without defence, and unprepared for war. And,
3. The Senate is to blame for this condition of the country.

This is the chain of argument by which we are to be led to the conclusion that so much of the surplus revenue as may be necessary for the purpose ought to be set apart and applied to the general defence and permanent security of the Union. Let us look at it.

We shall soon have war. It may be so. But I am not disposed, now, to speculate on its probabilities, nor argue respecting its causes. When the question shall be fairly presented to our consideration, it shall meet from me the anxious deliberation which its nature demands.

For the present I confess my inability to form an opinion whether we shall or shall not have war with France. The rapid changes in our positions, the strange involutions of diplomacy which have been exhibited, put ordinary calculation at defiance, and no one can reach a safe conclusion upon the subject, who is not admitted to a knowledge of the secret designs of the Executives of the two countries.

It may be that two great and powerful nations, boasting of their civilization, in this age of Christian light, are about to commence a sanguinary and destructive warfare, and squander their blood and treasure, about a debt of $5,000,000; a warfare which, in a single year, will cost to each nation ten times the amount of the sum in dispute, and blood for which no money can pay. It may be that ancient alliances and friendship are to be broken up and forgotten, and substituted by the bitterness of hatred and the malignity of revenge; that the peace of the civilized world is to be destroyed, and the progress of free principles jeoparded, by a conflict between nations who profess the most regard for those principles. It may be, too, that our own institutions approach an extraordinary trial. When our constitution was formed, one great object of its founders was to remove the power of producing and declaring war, as far as possible, from the action of one man—the Chief Executive Magistrate. They knew, for they had felt, the sufferings, distress, and crimes, which it produces. They had seen, too, in the history of other nations, how often it had resulted from the ignorance, the folly, and the ambition, of princes and rulers; and they resolved to guard themselves and their descendants from such an evil. Hence the provision of the constitution, "Congress shall have power to declare war." But it may yet appear that their caution was vain; that the people and Congress may be driven to it against their interests and judgments; and that the Executive has still the capacity, by the language which he uses, and the mode in which he conducts negotiations, to place us in conditions in which we have no alternative, and in which the best friends of peace may be compelled to yield themselves to sustain the honor and the interests of the country against the arms and the assaults of a foreign nation. We may have war; but if we do, there will be tremendous guilt somewhere. It can have resulted only from the folly or the crimes of those who have conducted the negotiation on the one side or the other, or on both. There is nothing in the cause of dispute which ought to have led to such a termination. I fear that we shall be compelled to trace it to the boastful vanity of one man, the petulance of a second, and the fitful violence of a third; and these met by ill-disciplined national pride, and mistaken notions of national honor. If it do come, it will be no common struggle, and produce no ordinary results. We all know what our own countrymen can and will do when the scabbard shall be thrown away; and we cannot be ignorant of the capacities of modern France, regenerated as she has been by the controlling genius of the last age, and possessing, as she does, a navy inferior in science and discipline to none which has existed in any age of the world; superior in numbers and power to all but one, whose flag is now upon the ocean. For such a struggle there ought to be adequate cause and full preparation.

Are we prepared? The Senator from Missouri informs us, and very correctly, that we are not. But he seemed unwilling to speak of our situation, lest he should give to the enemy a knowledge of our want of defence. He may relieve himself from all fears on that point. Our actual condition is as well known in Paris as in Washington. We have not a fort upon our seaboard, the precise location and strength of which is not as well understood by them as by us. Our navy, both the scattered portions which are at sea and the remainder at our dock yards, has been the subject of their diligent study. Our coast, with all its inlets, bays, and harbors, is familiar to them. The most accurate maps and charts of our whole seaboard, and especially of its most defenceless portion, the Gulf of Mexico, are not only known, but regularly published in the French capital. Our revenue and materials for defence and attack are examined by them with intelligent care. All this is due to their own interests, by those who control the movements of their Government, and this knowledge would be acquired by them, whether peace or war was their object. Our debates, here, will give them no light on such subjects as these. The Senator may safely declare to the nation the truth, and the whole truth, in regard to them; and I unite with him in the declaration that the country is without the necessary and proper defences. Are your fortifications erected, armed, and manned? Is any one of all the entrances into your ports sufficiently defended? What guards have you provided for Pensacola, the Chesapeake, the Delaware, and the other portions of your coast? How is your little army disposed of? Look at Florida, now ravished by a band of Indians, and your Executive, either strangely ignorant of their strength and their intended incursions, or criminally sleeping over its duties and the demands which the security and protection of the inhabitants have upon the Government, waiting until desolation has covered a part of the Territory, and unable for weeks to bring rescue and relief. And yet talking largely about war with France.

Where is your navy? You have, in actual service, in the Mediterranean, two frigates, one sloop, and one schooner, the ship of the line being on her return. In the West Indies, one frigate and three sloops. In the Pacific, one frigate and two schooners. In the East Indies, one sloop and one schooner. On the coast of Brazil, one sloop; and one somewhere on or near the African coast. This is the whole force now employed in the protection of your commerce, which extends to every portion of the globe.

What is the condition of Pensacola and Key West? They are positions of indispensable necessity, in possession of which an enemy may seal hermetically the mouth of the Mississippi, destroy your whole commerce on the Gulf, watch your coast, and be prepared for a descent upon its most unprotected points, at any moment. Why have they been so much neglected? Why have not sufficient preparations been made for the repair and sustenance of your vessels at one or both those places? Has their importance escaped the notice of those whose views are directed to "the general defence and permanent security of the country?" It was long since predicted by one of our ablest and most valuable naval officers, that the first naval battle in which our country would be engaged, would, in all probability, be in the neighborhood of Key West. Yet what is its condition? Unprotected for the relief of our own navy; fitted for the rendezvous of an enemy. Every thing which relates to the efficiency of the right arm of your defence has been treated with cold indifference; and no man who is attached to it, as I am, can look at its condition without pain and mortification. Sir, cast your eyes where you will, we are unprepared for war. The Senator from Missouri is right.

And why are these things so? In whose hands have been the resources of the country for the last seven years? Who have governed and directed the energies and the treasure of the nation? Your wondrously energetic Executive! To whom, then, is due the security and the glory of our present position? To him and his friends. They have possessed the power to dispose of your treasury as they saw fit. They have so disposed of it. They have had the care of your interests, and they have never called, without success, for a dollar for the defence and security of the country. No obstacles have been thrown in the way by any effort of the opposition. Look back through the period of this administration, and see if you can find an estimate for your navy—your fortifications—for any object of defence, which has been defeated by the opposition. I know of none. The records of this administration exhibit none. They have had all for which they have asked. The appropriations have been made liberally. The last year, for naval purposes, more than $3,600,000; a larger sum than was ever before granted. The average of the appropriations for all such objects has been greater than at any former period. Why is it, then, that we are in our present condition? And who must answer for it? And what, during this period, have been their employments? They have been very busy. They have had employment enough in fighting the bank; talking about a specie currency; taking the treasury out of the hands of Congress; securing offices and jobs and deposites for partisans; sustaining a profligate administration of the Post Office, whose criminality is now admitted; weakening the popular respect for the Judiciary; and warring against the Senate. And now an Indian war takes them by surprise; and they are endeavoring to rush into conflict with a powerful nation, and, by way of preparation for it, assail the Senate, as faithless to their duty. The charge is destitute of plausible justification, but may serve as a cover to their own delinquency.

Mr. President, it gives me no pleasure to refer to such a state of facts. We may be near to war. We shall have war if more prudent counsels do not prevail. You would have had it ere this, but for the Senate. If it come speedily, it will find us unprepared, but not unequal to its exigencies, in the end. France should make no miscalculations on that point. We shall suffer losses, defeats, perhaps, but there is power and energy enough to bear them, and to triumph still. This nation has been yet unconquered, and is unconquerable. With a free country, possessing such resources and such a population as ours, nothing but the folly and weakness of those who direct its means of defence can hazard ultimate success. On the principal theatre of conflict we may, we shall, probably, for a time, be defeated; but on our own shores a hostile foot cannot long remain, and our little neglected navy will do all that may be hoped from human exertion. Even in defeat its still untarnished honor will be secure. While it carries the "flag of the ocean" and "the land," "flag of the free heart's only home," it will bear it aloft in triumph, or, if subdued, still unstained and undisgraced.

But, sir, is the criminality the less with those who, without the most ample cause, shall force us unprepared into such a conflict? Will the sufferings, the losses, the agonies of humanity be unfelt, because we may and shall escape final overthrow? No; execrations, deep and lasting, will be the lot of those upon whose heads shall rest that guilt.

We have been told that the Senate has been criminal on this subject, not in urging the nation into war, but in refusing to prepare for it; and an effort is made to hold us up for the rebuke of the nation. I did not anticipate the course of observation of the Senator upon this point, in discussing the merits of this resolution. I did not perceive the application of the argument to the subject. But I had expected that, at some period of the session, the Senate would, in some way, be put upon its defence. The official herald of the Executive had sounded to the charge; the trumpeters of the phalanx, reckless of the justice of the cause, had aped their leader, and the people were assured that the delinquency was in us. At the opening of the session, the President from his high station announced to the country and the world that we were guilty. It was not to be doubted that some members of the Senate might think as the Executive thought; and, if they did, that they would feel it their duty, in some form, to exhibit the indictment against us. It was as well, perhaps, that it should be done in supporting these resolutions as upon any other subject. I do not regret that the accusation has been made by the Executive, but I meet it, and deny its truth and justice; and beg, while I investigate the facts, that it may be recollected by Senators that this contest has not been sought by us. The investigation has been forced upon us. The country is, if possible, to be urged into war; and, if unprepared or unsuccessful, the blame is to be cast upon the Senate. It is one of the movements of the war upon this body, which has been waged with such unrelenting severity.

The President, in his message of the 7th of December last, says: "Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the national Legislature at the last session, but was lost in the other. The failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defence, some portions of which might have been usefully applied during the past year."

In the importance of the ordinary appropriations for this object I entirely concur. The system of defence demands support. But the allegation here made is, that the contingent appropriation was inserted in accordance with the views of the Executive, and that the bill containing it and the ordinary appropriations was lost in one House, (the Senate,) after it had passed the other, (the House of Representatives.) This allegation has been made by the first Magistrate of the nation, manifestly with a view to cast reproach upon this body; and, sir, it will be believed by thousands. It is made by him, and that is enough for blind credulity. They will inquire no further, and ask no other evidence. No effort made here can reach them, no demonstration exhibited here will meet their eyes. Their oracles will hide the truth from them. But, so far as depends upon me, I will repel the accusation; and if they choose to believe without evidence and against evidence, it shall not be from my silence. The Senate, upon that bill, did its duty, and its whole duty, fully, firmly, fearlessly; and, whenever justice shall be done, will be more than acquitted at the bar of its country.

Is the accusation true?

I ask, in the first place, if the three millions had been granted, ought it to have been expended? And would the situation of the country be now more safe? What is there which would have justified its expenditure previous to the meeting of Congress? War does not exist, cannot be declared but by Congress. To have forced us into it, without our approbation, would have been treason against our institutions and our rights. And if war had been commenced by France, what could the Executive have constitutionally done without assembling Congress? And what would three millions have been in such an emergency? You would have needed ten times that amount before the end of the year. It may be that the Executive thinks otherwise. The present head of the Committee of Ways and Means is reported to have assured the House, at the last session, that "he understood" that one million for the army, and two for the navy, "would be all that would be required by the executive branch of the Government." And he was probably sincere in thinking it enough. When a proposition is made to devote the interest of the nation in the Bank of the United States, amounting to seven millions, to national defence, in order that France might learn therefrom that we had resources for war, independent of taxation, what calculations may not be expected about the means necessary for preparation? (Globe, 2d March.) The passage of the ordinary appropriations for fortifications was important; the grant of the three millions for defence in war was absurd.

The first piece of evidence offered by the Senator from Missouri, by which the guilty purpose of the Senate is to be proved, and its designs, in the rejection of the item of three millions, exhibited, is the treatment bestowed upon the resolutions of that Senator at the last session. Those resolutions are declared to have had the same object as those now under discussion, and I beg the attention of the Senate to them, as they appear on page 167 of our journal. They are twelve in number, and relate to a multiplicity of objects: to the reduction of revenue on dutiable articles—the amount to be received from public lands—the payment of the stock in the bank—the probable expenditures of the Government—state of the fortifications—expenditures upon them—expense of armories and arsenals—amount expended on naval objects. But they are all inquiries of the Executive for information only. They express no opinion, they declare no principle, they disclose no object. The mover did not explain his purpose, and the Senate was never called upon to express an opinion, or take a vote, in regard to them. When they were offered for consideration, Mr. Poindexter moved to lay them upon the table, and it was so ordered, without debate or vote, so far as I can discover. (Journal, p. 168.) The mover had it in his power to call for their consideration at any time, yet he did not do it. When and how, then, did the Senate express any opinion in regard to them? How was its guilty purpose to defeat the national defence proved by the treatment of them? How was the Senate to learn the object with which they were offered? Besides, these resolutions were not offered until the 16th day of February, within fifteen days of the end of the session, and were not to be answered until the commencement of the present session of Congress. By the argument, we were now to have information to guide upon a bill to be passed nine months ago. Yet such is a part of the evidence of our criminality, which the Senator spreads before the American people, unexplained and unaccompanied by the resolutions.

The next piece of evidence against the Senate is the loss of the item of $500,000. The history of this item has been fully stated by other members. It was moved in committee to add that sum to the appropriations, not by the Senator from Missouri, but by the Senator from Delaware, [Mr. CLAYTON.] It was reported on the 18th February. (Jour. p. 172.) On suggestion by the chairman of the Committee on Finance, it was withdrawn by the Senator from Missouri himself. There was no debate, and no vote upon it. Is it not, then, somewhat extraordinary that this should be proclaimed as a rejection of the patriotic purposes of the Senator from Missouri, and of the evil intentions of the Senate? I leave others to draw their own inferences about such an allegation.

But these matters are unimportant, compared with the loss of the fortification bill. Such a bill is at all times of magnitude to the public interests, and it is deeply to be deplored if it should be lost (if such a result may be considered possible) from party servility on the one hand, or party hostility on the other. Let us examine the facts, to see what is the truth in relation to it. Its importance will justify some repetition. The President has charged this body, before their constituents and the world, with the loss of the bill; the charge has been repeated by a Senator in his place, and we are exhibited as unwilling to defend the country. Let the whole truth be told, and let the nation understand how their agents have acted, and do justice to their conduct. I need not quote the message at the opening of the last session, (Journal, page 13.) It details our difficulties with France, recommends reprisals as a measure of peace, against which France had no right to complain, and closes by submitting "to Congress to decide whether, after what has taken place, it will still await the further action of the French Chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive, as far as he is authorized so to do."

This message contains the opinions, recommendations, and action of the Executive; and it is to be remarked—

1. That it contains no recommendation of any appropriation for fortifications or arming. The documents accompanying it contain the ordinary and common appropriations for ordinary years, and nothing more.

2. It was not understood by the friends or opponents of the administration as recommending appropriations for a state other than that of peace. No Senator or Representative in his place suggested that such a construction was to be put upon it. The Senator from New Hampshire [Mr. HUBBARD] is entitled to the credit of the discovery, but it comes rather late. He did not make that discovery, so far as I know, during the last session. His own actions, as will appear presently, show a different opinion at that day.

3. The measure which it did recommend was reprisals, as a measure solely of peace. And these he recommends to be placed at his discretion, by the passage of a law "authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers." (Jour. p. 17.) If a law in this form had been passed, it is apparent that the power of peace and war would have been in the hands of the Executive. How he would have used it, may be learned by his "well-settled principle of the international code." He would have used his power, and we should have been at war. What would have availed the dictum of books? If French property had been forcibly seized to pay the debt or avenge our wrongs, it would have been repelled. War would have instantly raged. It would have been so, not only with France, but with every modern nation capable of resisting the assaults of an enemy. The seizure of the property of the citizens of France, because the Government would not pay its debt, neither would nor could have been regarded as a measure of peace. But, pretending so to consider it, the President would have used it, and thus Congress would have transferred to him the power of making war.

The recommendation, then, was of a legislative measure, with a view to peace. Although it might, in the hands of the Executive, have produced war, yet he urged it as a peace measure, and did not accompany it with proposals or estimates for increased appropriations.

Such as it was, it met the prompt attention of the Senate. And on the 15th January, (Jour. p. 94,) the Senate, by a vote perfectly unanimous, forty-five members voting, "*Resolved*, That it is inexpedient, at present, to adopt any legislative measure in regard to the state of affairs between the United States and France."

Thus, by the action of the Senate, all legislative action on the subject was, for the time, closed. And did any one then think that there was a call for war appropriations? Not one said it; and, if they thought it, they failed in their duty in not calling for them. As a measure of peace, no such appropriations could be required. If no legislative measure was expedient, they could not have been necessary.

Subsequent to this time, but before the three millions were proposed, the Committee on Foreign Relations of the House, which had moved very slowly, did report, and the same decision, as to legislative action, was made there, as I shall show by reference to the journal of that body.

Thus was the whole question of legislative action, on the recommendation of the Executive, put at rest by the concurrent and unanimous action of both Houses of Congress. Who could have dreamed that, after this, a "provisional appropriation" of three millions, to be put at the discretion of the Executive, would have been proposed? But so it was. The President had been thwarted by a unanimous vote of Congress, in getting possession of a discretionary power, which would have enabled him to create war if he chose; but discretion denied in one form may be sought and obtained in another. The power to use three millions of money, when he should think it necessary, would have answered an equally efficient purpose, and might have led to the gratification of the same wishes and designs. The history of the fortification bill will illustrate this remark. This history I understand very differently from the Senator from New Hampshire.

I propose to examine that history with some care, and shall be obliged to refer to persons by name, but I beg to be understood as doing it with no personal feeling or object in relation to them. They will be alluded to only because their names appear upon the public journals, and their action had influence upon the fate of the bill.

The first fact to which our attention is called is the amount of the estimates for fortifications, sent at the commencement of the session. In the message and these estimates are found the public, official views of the Executive and the Department of War. (See 1 Executive Documents, No. 5, page 39.) These estimates amount to $439,000 only. This was all that the Executive considered necessary, in the state of the country; and it is remarkable that it is very little more than one half the appropriations for many preceding years—not one half of those of the preceding year. During Mr. Adams's administration, the appropriations had been, in round numbers, these: 1826, $814,000; 1827, $505,000; 1828, $717,000; 1829, $1,013,000—an average, during the four years, of about $762,000. During the preceding years of General Jackson's administration, they had been, for 1830, $886,000; 1831, $716,000; 1832, $653,000; 1833, $831,000; and in 1834, 890,000—being an average of about $795,000. Yet, in the year 1835, when we are told war was approaching, the amount called for was only $439,000. Did the Executive anticipate war? Did he feel any peculiar necessity for hastening on the defences of the country? Then he did not do his duty in recommending sufficient appropriations. Or was it that a provisional, contingent grant, depending on Executive discretion, was already anticipated and devised?

The estimates were received on the 4th of December, (Journal, p. 35,) and on the 9th, (Journal, p. 51,) referred to the Committee of Ways and Means, of which the present Speaker of the House, a warm and confidential friend of the Executive, was the chairman. No report was made until the 2d of January, (Journal, p. 134,) twenty-three days after the reference, when the bill was reported, containing the precise items, and precise amount of the estimates, thus adding the opinion of the committee that the estimates were large enough. In the mean time, on the 27th of December, (Journal, p. 137,) a message had been received from the Executive respecting our affairs with France, and communicating documents in relation to them. Of this message 10,000 copies were ordered to be printed for distribution. The report of the bill several days after the message proves that, in the opinion of the friends of the Executive, at least of the committee, no change was made in our relations by that message—nothing calling for increased or contingent appropriations. This bill, thus reported on 2d January, one month after Congress was in session, and for not one half of the amount in the preceding year, and but little more than one half of the average of the ten preceding years, was "in accordance with the views of the Executive." No public document, no known motive, explains the smallness of the sum, unless it be found in the subsequent history of the "contingent appropriation," and the desire to place the money at executive discretion.

On the 14th of January the bill was considered in Committee of the Whole House, and on the 15th of January in the House itself. The amendments there offered to it were numerous. Mr. Everett moved to increase the appropriation for Castle island, &c., in Boston harbor, from $8,000 to $75,000. It was resisted by the friends of the Executive, and rejected by a vote of 120 to 87. (Journal, pp. 224-'5.)

An amendment was moved by Mr. McKim to add $50,000 for Fort McHenry. It was rejected by 129 to 66.

For the repairs of Fort Marion, and the sea-wall at Pensacola, there was a motion to insert $40,000. The Delegate from Florida, whose intelligent and earnest attention to all the interests of his constituents is so well known, had, as early as the 10th of December, called the attention of the House, by resolution, to this object. (J. pp. 64, 230.) The Legislature of Florida had urged it; and so also had the citizens and corporation of St. Augustine. (Journal, p. 95.) It was important to the "defence and security" of that country; and, if the reports from that region be true, its value may at this moment perhaps be evidenced by the plunder and burning of a city, and the massacre of its inhabitants. Yet this appropriation was also rejected, by a vote of 115 to 67. (Journal, p. 227.)

These efforts to add to the bill having thus signally failed, Mr. Parker moved to strike out $30,000 for Throg's neck. The motion was rejected, 113 to 86. (Journal, p. 246.) And on the 21st of January (Journal, p. 251) the bill passed, precisely as it had been estimated for by the Executive and reported by the committee.

Now, Mr. President, by whom was the amount of that bill fixed? By the Executive and his friends. By whom was the increase refused? By the Executive and his friends. Who urged additional appropriations for "the defence and security" of the country? The opponents of the administration; the political friends of that majority of the Senate who are charged with defeating the appropriations. Look at the recorded yeas and nays upon these questions; read the reports of the debates, you will find an almost exact division of parties in respect to the questions. The names of Mr. Cambreleng, chairman of Foreign Relations; Mr. Polk, chairman of Ways and Means; Mr. Sutherland, Mr. Vanderpoel, and all that class of politicians; all except one of the members from my own State; and on all occasions, I believe, Mr. Henry Hubbard, then a member of the Committee of Ways and Means, and at present a member of the Senate from New Hampshire, whose argument to prove our culpability we have heard.

I ask, was there danger on the 21st January? Why were not the specific appropriations for defence increased? Why resisted by the whole force of party? Was the Executive blind to the danger? Were his friends? If $439,000 were then enough for specific appropriation, where could be the necessity for a discretionary three millions? The course of the Senate, subsequently approved by the House, was known. Discretionary reprisals had been refused. Legislative action had been declared unnecessary. Shall those who thus acted now turn round and charge us with neglect?

The bill came to the Senate on the 21st January; on the 23d it was twice read and referred. (Journal, p. 117.) On the 16th February, (Journal, p. 168,) a period one day shorter than it had been in the hands of the House committee, it was reported, and the committee had agreed to the whole bill as it came from the House; and all the items of it were concurred in by the Senate without question. But the committee had done more; they had increased the sum for Castle island to $75,000, and added $100,000 for various objects of defence in Maryland.

On the 22d of February (Journal, p. 185) it was called up, out of its order, on motion of the chairman, Mr. Webster, with a view to expedite its passage. The items from the House and the additions by the committee were agreed to; and, upon motion, three items were added, $80,000 for Fort Delaware, $75,000 for repairs and armament of Fort Mifflin, below Philadelphia, and $100,000 for the armament of the fortifications. The first two of these items were for objects of great interest to the country. Fort Delaware was in ruins. Fort Mifflin inefficient—the approach to Philadelphia almost unobstructed. Yet they were neglected by the House. The other item of $100,000, for armament of fortifications, deserves attention. For many years that amount for that object had been uniformly put in the bill for the support of the army. On the 27th of January preceding, the usual army bill containing it had passed; and thus, by this amendment of the Senate, $200,000, instead of $100,000, were to be appropriated for this essential object. Is there in all this any evidence that the Senate was unwilling to provide for the national defence? It was far in advance of the House. They had sent to us $439,000; we added $421,000, for objects as important, for the security and defence of the country, as any which were contained in the bill.

On the 24th of February it was received by the House, and referred to the committee on the next day. (Journal, pp. 442, 451.) There were but five items to be examined. The committee did not take much time for that purpose. It was reported on the 27th, agreeing to some, and disagreeing to other of the amendments, (J. p. 464.) If anxious for the defence of the country, it might then have been promptly considered. It was in the hands of the friends of the administration, and they had a large and not unmanageable majority. Yet it was left until the 3d of March, the last day of the session, when the amendments of the Senate were agreed to, except the one which related to Fort Delaware. Upon this the Senate afterwards insisted, and the House receded. (Journal, pp. 506, 509.) There was, then, no longer any difference between the two Houses on any of the items of the bill. Each had added what its sense of duty called for; and the amount appropriated by it was $860,000—more than the average appropriation during the last ten years. The Senate had shown no reluctance to make the most ample appropriations, provided they were specific. They had rejected nothing offered by the House. They had induced the House to take an amount almost double that proposed by the Executive and his friends. The Houses had agreed on every item; the bill required only the forms of final passage.

Why, then, did it not pass? What circumstance, what contrivance, what accident, defeated it?

In answering this inquiry, I shall refer to the journals of the two Houses, and the regular and ordinary report of the proceedings of the last night of the session, as it appeared in the National Intelligencer of the 7th March.

When the House objected to one of the amendments, from which they afterwards receded, they sent the bill back to the Senate with a new section added to it, in the following words:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance and increase of the navy; provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

This amendment had been made by a vote of 109 to 77, (Journal, p. 509;) and it came to us about 8 o'clock of the last night, within three or four hours of the adjournment. We had then been in session three months; had discussed our relations with France; contemplated our position and our duties; had received the views of the Executive, and his estimates for the defence of the country, and not a suggestion had been made; no member of either House, no executive officer, had proposed such an appropriation. It broke upon us, in the last night, most suddenly and unexpectedly.

It created surprise, I believe, in every part of the Senate chamber, unless, indeed, some few may have been apprized of its approach. I do not deny that I was astonished and indignant, and, among others, gave utterance to my feelings. That a measure of such a description should have been reserved for such a moment, had too much the aspect of finesse and management.

It was rejected by the Senate, and sent back to the House, after a debate of about an hour, certainly of not more than an hour and a half.

The reasons for its rejection appeared to me then, and appear to me now, most ample and satisfactory.

It might have been objected to as irregular, unusual, and unparliamentary. It was made as an amendment to the amendment of the Senate. As such it must restrain, enlarge, or modify, the matter to be amended. It did neither. It was a distinct section, an independent and incoherent subject. The House might with equal propriety have added a new bill, or all the bills of the session.

But it was not resisted on this ground. There were other and higher considerations, vitally affecting the institutions of the country.

It was opposed to the spirit and meaning of the constitution, and the whole practice of the Government. The 7th item of the 9th section of the first article declares, "No money shall be drawn from the treasury but in consequence of appropriations made by law." The term appropriation implies that the object must be specified. Without it is, the intent of the makers of that instrument is violated. A mere declaration that the Executive may draw out a million of dollars, and apply it to such objects as he shall think necessary for the public interests, is no compliance with the constitutional provision. Its design was to guard sedulously the public treasure—to secure its control to those who make the laws—to cut off executive discretion as to the objects on which it should be expended. The present President has said (message December, 1834) that "the palpable object of this provision is, to prevent the expenditure of the public money for any purpose whatsoever which shall not have been first approved by the representatives of the people and the States in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended in the legislative department of the Government, to the exclusion of the executive and judicial," &c. &c. He has also said, on another occasion, (message December, 1835,) "no one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character." That it is "the duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the Executive to superintend," &c. That the true rule of action "should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body."

It is true, these opinions were expressed on a different subject; but I commend them to the Senator from New Hampshire [Mr. HUBBARD] as equally applicable to the bill whose character we are investigating. He seems to think it quite specific enough, and sufficiently restraining to executive discretion. But what are its terms? The three millions are to be expended, "in whole or in part," as the Executive may see fit. On what objects? "The military and naval services, including fortifications, ordnance, and increase of the navy." On what conditions? "If the expenditure be necessary for the defence of the country." Who is to judge of the necessity? The President. Can appropriation be more indefinite—less specific? The amount short of three millions is absolutely in his discretion. The "necessity" rests on his judgment, not on the judgment of Congress. The selection of objects is in his choice. He might expend the whole in raising an army. He might increase the navy by men and ships, at his pleasure. He might devote the whole to one object, or divide it among several. It clothed him with unlimited discretion on all points save one, the amount of three millions. Such a bill is new in the practice of the Government—unknown at former periods and under former Executives. We have before passed through times of trial, and been engaged in actual war; yet such investment of power was not found expedient or necessary. It was reserved for the disciples of Mr. Jefferson, who claim to be the especial advocates of his principles—the democrats, par excellence—the only men who have passed pure and unhurt through the corruptions of the times of Madison, Monroe, and Adams, to devise and support this bill. I commend to their notice the language and opinions of Mr. Jefferson.

"In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform."—*Mr. Jefferson's Message, December* 8, 1801.

This doctrine of Mr. J. is among the earliest of my political recollections; and, being just and true in itself, it has been invariably approved in theory and practice, from his day to ours. It was sound when he uttered it; it is sound still with all except those who have unhesitating confidence in the present Chief Magistrate. He will not, in their opinion, abuse this or any other trust confided to him. He requires no guards, no checks, no controlling regulations. He will not err in the judgment which he forms on any point. The biases which he assures us may operate upon the Executive are not to be regarded as extending to him. He is the exception to the salutary principle, which directs a jealous watchfulness towards those who are invested with power and authority. Mr. Jefferson must have been wrong when he said, "We have not found angels in the form of men to govern us."

Mr. President, that section of the bill, as it came to us from the House, violated the spirit and purpose of the constitution, in reference to the disposition of the public treasure. It disregarded the principle which requires specific sums to be devoted to specific objects. It spurned the doctrine with whose soundness the President is so "deeply impressed," that executive discretion should be restrained and limited by specific provisions. It omitted "the duty of the Legislature to define by clear and positive enactments the nature and extent of the action which it belongs to the Executive to superintend." It presumed that "biases would not operate on him" in relation to the controversy with France, which would extend to the representatives of the people in Congress. It invested the Executive with the discretion which belongs to Congress, and to Congress only. It gave him the authority to "raise armies and provide a navy." It surrendered the power of war into his hands. With such an appropriation he might have put the question of war beyond the reach of the representatives of the people. And judging from the temper manifested by him; his recommendation of reprisals; the language of his advocates; I believed then, and still believe, that, if it passed, we should have war. Even now we should be in war—a war in which human life would be poured out without stint, and the smoke of human blood ascend from the land and the water—a war to which no limits in time or in results could be set by human foresight—a war upon which, in the present state of Europe, other nations would not have looked with an indifferent neutrality, but, in all probability, convulsing the whole of Christendom. If war, and such a war, be necessary, (and it may become so, and I may yet be its advocate and supporter,) I implore that it may not be commenced by discretionary powers vested unnecessarily in one man, but be the result of the calm and constitutional decision of the representatives of the people, who are to bear its trials and face its perils.

In Rome, sir, they did, sometimes, create a dictator, whose duty it was to look to it, *ne quid detrimenti respublica capiat;* but they did it by no violation of their constitution and the principles of their Government, but when the enemy was at the gates of the Capitol, and despair found no other remedy.

Was there any necessity, at that time, of bestowing the slightest discretionary power upon the President? In what did the necessity consist? We were not in war. We were not threatened with war, unless upon our own action. France had made no movement to assail us. She had no cause of complaint which could justify her in commencing hostilities. She claimed no debt of us. She insisted on no violation of treaty upon our part. There was not a man in Congress, in the nation, in the world, that believed that she would first assail us, unless we did something which should induce her. This, whatever it might be, it was proper that Congress, not the Executive, should decide. And, as Congress was about to adjourn, nothing would or could constitutionally be done to occasion the commencement of hostilities. The pretences that we might have war, and that France might assail us before we met again, were utterly fallacious. The Executive might have so acted as to create speedy difficulties, but I had no desire to offer him inducements so to act. We had claims on France: she owed us money; we had a treaty which her honor and justice required her to keep; but the time and mode of enforcing the payment of that debt, and coercing the fulfilment of that treaty, was in our own power: and the constitution required, when force was to be applied, Congress should sit in judgment and decide it. There was no exigency which could demand that we should forget the ordinary guards which our Government provides. And even if our situation had been extreme, if the danger had impended, was there not time enough for Congress, during that session, to have defined the objects of expenditure, and specified the sums? If danger should have arisen subsequent to our adjournment, had not the Executive power to call together and consult those whom the constitution designates as the counsellors and guardians of the people's rights on such an occasion? I could not see or feel the necessity for vesting in the President a discretion in which his mode of dealing with constitutional questions had not given to me much confidence. I regarded that section as a dangerous encroachment upon the constitution, and the more dangerous because urged on under pretences of national defence and safety. It is by such encroachments that that instrument is to be beaten down and destroyed. I could not see its safest provisions hazarded unnecessarily. There is enough, day by day, and hour by hour, even in this hall, and much more out of it, to warn us that our only safety lies in guarding it; and that in it, and it alone, live the permanency of the Union and the hopes of freedom.

In addition to all these considerations, it was an appropriation not called for by the Executive--a voluntary bestowal of discretionary power unasked by him. It was resisted, at the moment, by the Senator from Tennessee on this ground. If the President thought it necessary, it was his high constitutional duty so to declare officially. "He shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." (2 art. 3 sec.) When and where did he recommend this measure? In what communication is it to be found? Not in the message at the opening of the session; not in that of the 30th December. Was it, as the Senator from New Hampshire seems to suppose, in that of 27th February? (Jour. p. 194.) That message communicates the correspondence on the subject up to that date, with the information that Mr. Livingston had been instructed to quit France if an appropriation should not be made by the Chambers; and then adds, "the subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires."

He expressly avoids further recommendations. He relies on those which he had before made. He does not ask us to place a part of the treasury at his disposal. He does not tell us that it is necessary for us to arm. He gives no indication of a wish for such an appropriation. It is true he has since told us that this section of the bill was "in conformity with the wishes of the Executive;" but when, and where, and to whom, were those wishes made known? If communicated at all, it must have been by private confidence to favorite members. It must have been with the understanding that it should operate upon their votes, and not be publicly and officially promulgated. I do not accuse him of such a course. It would be a base shrinking from the responsibility of his high station, holding, on a great national question, in which the peace of his country was involved, a language official and unofficial; a language public and a language confidential. I do not credit the assertion that he deals with members of Congress in this mode. And yet, sir, if he did wish that appropriation to pass in that form, and his wish was known, it must have been by secret, confidential communications to members; for it is to be found in no public document, no official declaration of the Chief Magistrate.

So far as the Senate is concerned, his wish was not known. We were not only ignorant that such was his wish, but had no knowledge that the proposition would be made. The Senator from New Hampshire tells us that we were notified, and that Mr. Cambreleng had stated in the House, upon the vote respecting the French treaty, that he should move such an appropriation. I beg the Senator to reflect upon such an argument to sustain such a proposition. A member of the House states, in his place, in debate, that he will move a particular appropriation at some future time, and this is to be regarded as sufficient official information that the Senate will be called upon to make that appropriation! And we must be prepared to pass upon it, without estimate, without document of any kind, to examine and guide us. We have fallen on strange times, sir, and new notions multiply in relation to official duties and legislative obligations. But let us look at this warning given by the chairman of the Committee on Foreign Relations, who is to be our oracle in these high matters. When was it made? On the 28th February. Where? In debate in the House. When was it published? I find it in the Globe of the 2d March, issued at a moment when it is not probable that half a dozen of even the most devoted students of that print were able to read its report of the proceedings of Congress. And yet this report, at such a time and under such circumstances, is offered as evidence that the Senate ought to have known and been prepared for this most extraordinary proposition. But it is still more unfortunate for the reasoning of the Senator, that the proposition of which Mr. Cambreleng gave notice was not that which is contained in the section which we rejected. It was, in substance, that "he should move an amendment to the fortification bill, when it returned from the Senate, of one million for the army, and two millions for the navy, in case it should be necessary before the next meeting of Congress. This, he understood, would be all that would be required by the executive branch of the Government." Now, it is obvious to remark on this report: 1. That the bill was not then in the Senate; it had been returned to the House, referred to and reported on by the committee. (Journal, pp. 451, 464, 506.) 2. That his notice differs widely in substance from the proposition subsequently made. 3. That he understood that the Executive would require no more. How did he understand it? He ought to have given to other members the light which he had on the subject. Is it to be understood that as chairman, or in any other than a public official capacity, he receives directions from the Executive what amount of public money he is to put at his disposal? If he do, he may as well adopt Antony's profession of faith:

> "I shall remember,
> When Cæsar says, do this, it is performed."

As little benefit by way of justification can be found for this appropriation in the vote of the House respecting the treaty. The messages of the 7th and 30th December had been before the Committee on Foreign Relations up to the 27th February, when a report was made, accompanied by three resolutions. (Journal, p. 466.) On the 2d of March the House considered them, in conjunction with three resolutions offered by Mr. Adams, as amendments thereto. (Journal, p. 496.)

The first resolution of the committee was, "That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th July, 1831, and that this House will insist upon its execution as ratified by both Governments." The amendment was, "That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States;" and was subsequently, after debate, modified by Mr. Adams, and was in these words: "*Resolved*, That, in the opinion of this House, the treaty with France of the 4th July, 1831, should be maintained, and its execution insisted on."

After various efforts at amendment and change, it passed unanimously. (Journal, p. 500.) The other amendments offered by Mr. A. were then withdrawn by him. The second resolution of the committee was in these words: "*Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions or to reprisals on the commerce of France," and passed unanimously: thus concurring with the unanimous vote of the Senate in regard to the recommendation of the Executive. The remaining resolution was in these words: "*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France;" and this resolution was, on motion of Mr. Cambreleng, ordered to lie on the table. (Journal, p. 501.) It was the 2d

March; the order to lie on the table was, under the circumstances, equal to rejection or withdrawal; for there could be no hope of again calling it up, discussing and deciding it. Here, then, on the very day before this extraordinary section was introduced into the bill, while a resolution which declared contingent preparation to be proper was before the House, the chairman of the Committee on Foreign Affairs, on his own motion, disposed of it, and declined taking the sense of the House upon it. Could it have been anticipated, after that, that Congress would be called upon to place three millions of money in the hands of the Executive, without specification of objects? Did the committee expect war? Did they think France would assail us? Did they believe legislation necessary? Why, then, was not the sense of the House taken upon the question? The Senate had long before unanimously declared that no legislative action was at this time necessary. The House had just before unanimously relieved the committee from all further consideration of the only recommendations made by the Executive: thus declaring those recommendations improper, or, at least, the measures proposed unnecessary. And now the resolution for contingent preparation is laid on the table by the assent of the friends of the Executive. Sir, I ask again, did they expect war? No, sir, they knew better. The appropriation was not called for by anticipation of an attack from France. If it was, the friends of the Executive, the House of Representatives, were greatly wanting in their duty to the country.

Look at the only resolution which they did pass. It declares "that the treaty should be maintained, and its execution insisted on." And who in this country has ever held a different language? But how insisted on? By immediate war? Was that the meaning of the House? Was it a war measure? Then, more guilty legislation connot be imagined. Go to war with peace appropriations, without one preparatory measure by Congress? The House meant no such thing. To suppose that they did would be an impeachment of something more than their intelligence. They left the question of further negotiation entirely open by the rejection of the resolution which declared it incompatible with our rights and honor, and they adopted one which merely declared that the treaty ought to be maintained. And had France then, or has she yet, declared that she did not consider it binding on her, and that she would not maintain it? On the contrary, she has always admitted its validity, and acknowledged that the debt was due to us. She has delayed, and delayed improperly, upon insufficient reasons, to comply with her obligations under it; but the resolution of the House asserted no fact which France has controverted. I do not intend to inquire, on this occasion, into the sufficiency of the reasons urged by her. It is enough, for the present, to say that the act of the House did not render war necessary; that it was not anticipated as speedily, if at all, to arise; and that those who favored this contingent appropriation can find in this resolution no apology for it. The chairman of the committee, the person who moved this section, is reported to have said in debate, as late as the 28th of February, "If we are to have peace, the less said, the better. If war, the next Congress would have enough to say on that great question." The question of war, if decided at all, was, in his opinion, to be decided by another Congress. And, out of the House, all parties concurred in the hope and belief that it would be avoided. It was but four or five days previous that the official paper, which is regarded, even by our foreign ministers, as expressing opinions worthy of all confidence, contained the following editorial remarks. (Globe of 24th February.)

"From the extracts given in this day's paper from the foreign journals, and especially the remarks of the French minister on the introduction of the law to provide for the treaty, it will be seen that there is now the fairest prospect of a speedy and happy adjustment of our difficulties with France," &c.

"Mr. Livingston will not, it appears, apply for his passports, but will await the action of the Chambers in relation to the law proposed by the ministry."

It then gives an extract of a letter of congratulation on the prospects which the late news has opened on the country, which, in conclusion, says: "The opposition seem confounded this morning, and even the most desperate in their ranks say the President has had the good fortune to take the right course in this matter. Chance has had no hand in it, my friend; it is parcel of his great, fair, and clear course." "We believe all the difficulties in the matter have grown out of the intrigues of some one on our own side of the Atlantic," &c.

The extract administers the usual dose of flattery which parasites are ever ready to bestow on the hand that distributes honors and profits, but it conveyed the strong impression which then prevailed. And war was not expected here or elsewhere, at least not so expected as to justify large discretionary appropriations. To have gone to war, then, would have been most absurd; nothing could, indeed, have been more absurd than the position which we should have occupied. It was justly remarked about that time, "To go to war now would be like two boys standing before each other with clenched fists, and each daring the other to strike. If we go to war with France on this subject, it would all end in an expenditure of millions upon millions of treasure, and oceans of blood, and we should then be asking each other who struck the first blow."

Mr. President, that section of the bill, thus introduced, was neither necessary nor expedient, to be justified by no facts, hostile to every correct principle of legislation, and the majority of the Senate, by a vote of 29 to 19, rejected it. (Journal, page 232.) The names are recorded; and, while the minority doubtless acted upon a proper sense of their duty, the majority will not, I feel assured, have cause to condemn themselves. For myself, I concurred most heartily on the disagreement to the section, and cheerfully put myself upon the principles involved, and leave my act to the award of the future.

But, Mr. President, I ask attention while I proceed still further with the history of the bill.

It returned to the House, as is, I believe, agreed on all hands, before ten o'clock. Mr. Gholson then moved that the House recede from their amendment, and urged it strongly upon them. (Journal, p. 516.) It was opposed, sir, and the reported language is worthy of observation. Mr. Cambreleng, the chairman of the committee, and the person who moved the section, "hoped that the House would not recede. If the Senate had chosen to take the responsibility of defeating the appropriation, it might remain with them; he would take no part of it." And Mr. Bynum sustained him. Now, this was long before twelve o'clock. It was upon the first disagreement. It was while there was a quorum, for the vote against receding was 110 to 87. Why, at this early hour, with a full attendance of members, was the declaration made that "the responsibility of defeating the appropriation" was upon the Senate? Why did the mover refuse to take any part in it? Was the appropriation necessary to the defence of the country, and was it not worth while to make an effort to save it? Was an enemy approaching our shores, and was it more desirable to cast the responsibility on the Senate than to defend the country.

The House, on motion of Mr. Cambreleng, determined to insist upon the section, and so informed the

Senate; but they asked no conference. It was their amendment; they had voted to insist; and it was proper, if they desired to avoid difficulty, and secure its passage, to ask a conference respecting it. The Senate had previously done so, that very night, on an amendment of theirs to the bill making appropriation for the civil and diplomatic expenses of the Government. The conference was had, and the bill passed. (Journal, pp. 512, 515.) But the House, upon this bill, did not choose to take this course. They chose rather to put it in jeopardy. The Senate adhered to their decision, by a vote of 29 to 17, (Journal, p. 235,) and the bill was speedily returned. This course of the Senate was perfectly parliamentary and correct, as is known to Senators, and as I shall presently have cause to explain.

When the bill again came to the House, they had another opportunity of asking a conference, and saving their amendment, and the whole bill, if there could be a compromise made. They did not seize the opportunity. Other counsels prevailed. The mover of the section now moved to adhere to it. This would have defeated the bill irretrievably. No subsequent movement could have saved it. Why, then, was the motion made? Was it resolved upon that the whole bill, with all its appropriations, should be lost, because the Senate had not consented to put three millions of dollars at the disposal of the President? There was yet time enough. It was not twelve o'clock, and there was a quorum. Yet, if this motion had prevailed, the bill would have been lost with time and quorum both. The course taken exhibited a fixed purpose that no appropriation should be made for any of the fortifications, unless this large sum was granted, and this most improper and unconstitutional demonstration of confidence was manifested towards the President. Was it deemed necessary, as an offset against the unanimous rejection of his advice, and the refusal to give him the power of making reprisals?

Mr. Mercer moved that the House recede. This would have ended the controversy, and saved the appropriations for fortification, amounting to $860,000. And how, sir, was this motion met? Mr. Polk, the chairman of the Committee of Ways and Means, urged that the motion to adhere was first in order, and to be first put. And, in no very measured language towards the Senate, Mr. Lytle sustained him; thus aiding the movement of Mr. Cambreleng to adhere, defeat the whole bill, and try to throw the blame upon the Senate.

The Speaker (then Mr. Bell) decided that the question on receding must be first taken. It was put, and rejected by 107 to 88. (Journal, p. 519.)

Upon both of the motions to recede the votes were recorded. It was an almost precise division of parties. Those who are called opponents of the administration voted so as to save the bill, but lose the contingent section. Its friends voted to save the grant of money to the Executive, at the hazard of the whole bill. In this stage of these extraordinary proceedings, Mr. Hubbard (and he deserves thanks for breaking rank) moved for a conference. (Journal, p. 519.) It was asked, and promptly agreed to by the Senate, although they had voted to adhere to their rejection of the section. (Journal, p.237.) If they had desired to defeat the bill, why did they waive their vote to adhere; and agree to the conference? They might have refused it, and been perfectly justified by parliamentary rule and propriety. Even the desire to throw the responsibility on the Senate could not have put them in the wrong. There is potent authority on this point in the journals of this body. In January, 1826, the two Houses had before them a very important measure—a judiciary bill, having the same object as that which has recently passed the Senate, to extend the circuit court system to all the States. The bill from the House was considered, debated on several days, amended, and sent back. The House voted not to accept a part of the amendments, and returned it to the Senate. The Senate, on the motion of Mr. Van Buren, then chairman of the Judiciary Committee, adhered to their amendments. The House asked a conference. The message asking the conference was referred to the Judiciary Committee, and the same chairman made a report refusing the conference. That report is worthy of the respectful consideration of all those who now condemn the Senate. It sustains the positions which I have advanced in defence of the course of the Senate on this occasion. It justifies the vote to adhere, without the vote to insist. It places the duty of calling for the conference on the House which first insists. It refuses a conference after the House had asked it, because it was not the intention of the Senate to recede, and a conference was therefore unnecessary. The Senate sustained the report, by 24 to 13; and among the majority are found the names of Messrs. Van Buren, Benton, Berrien, Branch, Dickerson, Eaton, Hayne, Rowan, Tazewell, White, Woodbury. The bill was lost by this decision. The report and vote may be found in vol. 16 of Senate Journal, pages 306–312.

If this be correct parliamentary doctrine, and our opponents will not deny it, and if the Senate had desired to defeat this bill, why did we not refuse the conference? We did not. We were resolved to resist the three millions, but we sought earnestly the passage of the bill, and waived every rule of practice, in such cases, to accomplish it. Yet we are now charged with the defeat of the bill. The conferees, on the part of the House, were Messrs. Cambreleng, Hubbard, and Lewis; on the part of the Senate, Messrs. Webster, Frelinghuysen, and Wright. They agreed; the conferees of the Senate unanimously and the majority of those of the House. It was at the time understood that they also were unanimous.

It seems to have been since denied that Mr. Cambreleng did agree to the report; and the Senator from New Hampshire will not say that he did. It is quite possible that he did not. He had desired to adhere to the amendment, which would have destroyed the bill. He had manifested his anxiety to throw the blame on the Senate; and he may have feared the defeat of his object if the conferees agreed upon a reasonable report to the two Houses. He had made a provision which reposed all confidence and power in the President, and he may have been unwilling that the offering should be withdrawn. But it is of little importance. The conferees did agree, and those of the Senate reported. (Journal, p. 237.) In lieu of the section of three millions, they proposed—

"As an additional appropriation for arming the fortifications of the United States, three hundred thousand dollars."

"As an additional appropriation for the repair and equipment of the ships of war of the United States, five hundred thousand dollars."

When this report was made, the Senate were prepared to approve it. The committee, of which the Senator from New York was one, had agreed to it, and it would have passed unanimously. Sir, the whole Senate was ready to pass it. There was no fault in that respect on either side of this body. The censure must rest elsewhere.

The Senator from New Hampshire seems to find no difference between this proposition and the section, except in the amount. Has he looked at them? The one is without specification, leaving the whole expenditure, as to objects, to the Executive. The other defines the objects for which the money is appropriated. It complies with our legislative duty. It is constitutional and proper. Mr. President, ought not this report to have been satisfactory, and to have passed? It provided for the very objects which were most important in case of difficulty—our fortifications and navy; for the only objects that could have required attention before it would have been the duty of the Executive to assemble Congress, and it provided most amply for them. Observe the amounts. There had been appropriated for arming the fortifications, in the army bill, $100,000; in this bill, by a previous amendment of the Senate, $100,000 more: and by this conference, $300,000. In all, $500,000, for arming them in one year. Was it not ample? Could more have been used faithfully and economically? Not a dollar.

So as to the navy. The bill for its support contained appropriations to the amount of more than $3,680,000, in which were $974,000 for repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission. Add to this sum the half million proposed by the conferees, and we have $1,474,000 for the repairs and equipment of vessels of war. Was it not ample for that object, until Congress would meet or be called together? I am compelled to believe that it was not the amount which was insufficient. It was the restriction imposed. It was a specific appropriation. It was not left to the discretion of the Executive, and his friends would not have it. They preferred losing the whole bill to denying this expression of confidence in the Chief. Then, sir, let them answer for the loss; but let not them and the President unjustifiably charge the Senate with a failure of duty. The Senate did its duty, and its whole duty, to the country, faithfully. Examine this bill as it stood after the conference. It came to us with $439,000, all that the President and the Departments asked. We added $421,000, and by the conference we agreed to add $800,000 more--making in all $1,660,000, almost four times the estimates of the Executive, as much as could with propriety be devoted to the object. It came with a small specific appropriation, was increased in the House by seven times the amount, to be used at executive discretion. The moment that three times the amount is agreed to by the Senate, but the executive discretion denied, it is refused, rejected, and the Senate assailed.

I proceed. Why was this agreement of the conferees not received by the House, and the bill passed? The chairman of the managers did not report the agreement. The House did not agree to it. They had the papers, and the Senate were thus compelled to see the destruction of the bill, without the power to avoid it. They kept the papers, and we could take no vote upon it. But we did not rest in silence under this extraordinary, may I not say, without offence, this most unjustifiable procedure. If we had done nothing more, we should have been faultless in the matter. But after waiting until general alarm was felt lest it was the intention of the House to destroy the bill, the Senator from Massachusetts [Mr. WEBSTER] moved that we should send a message reminding the House of the subject. (Journal, p. 239.) It was new in practice. Such a message, so far as I can learn, had never before been sent by one House to the other, since the establishment of the Government. But the parliamentary practice was consulted. I recollect it well, for I examined it with that Senator. In Jefferson's Manual, our guide on subjects of this kind, it is stated to be a proper message, (page 191.) "When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it." (3 Hats. 25; 5 Gray, 154.)

The message was sent. The entry is in these words: "*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States." Thus, sir, the Senate, now charged with neglect of duty, with defeating the bill, with unwillingness to defend the country, departed from ordinary practice; adopted a new but parliamentary proceeding to urge the House to attend to the passage of the bill. And thus, sir, the Senator from Massachusetts, [Mr. WEBSTER,] who is so roundly and incautiously accused by the Senators from New Hampshire and Georgia, put in requisition his best exertions not only to do his own duty, but to press others to the discharge of theirs. The facts cannot have been well remembered by the Senators. The accusation has not been well considered. I am glad to perceive that that Senator is not, at this moment, in his seat; for it permits me to say, without indelicacy towards him, that, in the debate upon the question, and in the whole course of our action upon the bill, as upon every other where the constitution and the interests of his country are involved, he brought into exercise the best powers of his well-disciplined intelligence and pure patriotism.

Mr. President, such having been the conduct of the Senate, I repeat the inquiry, why was that bill lost, upon every item of which, except one, the two Houses had agreed, and upon that one the managers of the conference between them had agreed? The answer will be found in the history of that night's proceedings in the House of Representatives; proceedings which I take no pleasure in examining. But, sir, I, and other members of the Senate, have been accused from high places, and it is our duty to make our defence, and to make it fully. The President and the Senator from Missouri have both pronounced us guilty, and before hearing, too. They must have forgotten their bitter complaints against us, when we ventured, on a certain occasion, to express our opinions that the Executive had transcended his constitutional and legal rights. But enough of that for the present. The topic of expunging will come in due time. Let us look at the reasons assigned for the House not acting on the bill; and, while we do it, let us not forget the declaration made by the chairman of the Committee on Foreign Affairs, long before twelve o'clock, when the disagreement of the Senate was first announced, that they had taken the responsibility of defeating the bill.

These reasons are, first. That it was past twelve o'clock when the managers of the conference returned to the House; and, second. There was not a quorum.

It may possibly have been past twelve o'clock; but neither my recollection, nor the facts as they have been stated by others, and are recorded on the journals, permit me to believe it.

The Senator from New Hampshire, [Mr. HUBBARD,] who was one of the managers on the part of the House, has stated to us that, after the conferees had met, Mr. Webster looked at his watch, and said that it was near twelve o'clock, or wanted a few minutes of twelve, and hastened the conference. Then, first. Mr. Webster did not seek delay, nor desire to defeat the bill. And then, also, second. It was not twelve o'clock when the conferees did meet. Now, it appears from our journal, and is true in fact, that the conferees were together but a few minutes; for, in that hurrying part of the session, when not a moment was lost, there were only two things done in the Senate before the return and report of the conferees; one, receiving a short message from the House, the other, a motion, of course, to discharge a committee. (Journal, p. 237.) Was it then past twelve when the conferees agreed?

The same Senator again states to us, that when the

Cumberland road bill passed, Mr. Gilmer refused to vote, and said it was past twelve o'clock. Then the Cumberland road bill passed after the conference, if the statement of Mr. Gilmer was correct.

The same Senator also stated that Mr. Cambreleng and himself both voted on that bill, and the journal (page 522,) confirms him. Then, if the measure suited, there were no scruples about the hour; and, I ask, why not report the result of the conference as well as vote on the Cumberland road bill? I fear, sir, we must search for other reasons.

But suppose, sir, it had been past twelve o'clock, did that fact justify the managers of the House in refusing to make a report? They had been constituted by a solemn joint act of the two bodies, to confer upon a great public measure. In their action both Houses were concerned, and both had a right to demand that they should be faithful, and discharge their duty. The refusal of those of the House to make report was a wrong done to the Senate, highly disrespectful to it as well as to the House. Suppose the House had been anxious to pass this bill, and the chairman of the managers (Mr. Webster) had returned to the Senate chamber and refused to report? I beg his pardon for even making such a supposition; but if he had been capable of doing it, and had done it, what would have been said in the House? What commotion? What fiery denunciation? What anathemas from the Executive in executive messages? Sir, he would have been charged with being already in the pay of the enemy, not only willing to disregard the constitution and the safety and defence of the country, but ready to join their ranks, and mingle the blood of his countrymen with the smoking ruins of the Capitol. But the act was performed by others, whose devotion to party-chieftainism covers every act with approbation.

Mr. President, I would inquire by what authority a manager of either House assumes to himself the right to decide for that House whether he shall make report or not? takes away, of his own mere pleasure, the power of the body to act and to decide upon any question? It is not my business to guard the respect which any House of Representatives owes to itself; but, as a member of this body, I have a right to express my conviction that no manager here will ever feel the inclination, or, if he does, will ever venture thus to trifle with this body, until it shall have become the registering council of executive edicts.

But, sir, the Senator from New Hampshire has taken some pains to prove that there was no quorum in the House, and therefore that the House could not act upon the measure. Does not the Senator perceive that there being no quorum in the House was no fault of the Senate? It has no control over the quorums of that body. It had created no delay. It had, in the first instance, debated the amendment less than an hour and a half, not more than one third of the time consumed in the Senator's argument, nor, I begin to fear, more than that proportion of the time of the Senate which I shall be compelled to consume. And yet it was a new proposition, of great importance in amount of money, of uncommon magnitude, from the principles involved. When it returned again from the House, it was detained only long enough for the Senator from Massachusetts to discharge his duty by making the motion to adhere, and by the calling of the yeas and nays. (Jour. p. 235.) When the conference was asked, it was instantly granted, and without debate. (Jour. p. 236.) If, then, it was thrown beyond the hour when there was a quorum, the censure cannot fall here.

But let us look at the journals and reported proceedings upon this subject; they are full of interesting matter. I find (page 522) that on the Cumberland road bill there were ninety-four yeas, eighty nays, one hundred and seventy-four in all, and fifty-two more than a quorum of that body! If, from the facts before stated, this bill passed after the conference, then there were fifty-two more than a quorum when the conferees returned to the House, for they voted upon it. If it passed before the conference, it must have been immediately preceding it. And I inquire, where were these fifty-two when the conferees returned? How came it that they escaped so suddenly? Who were they? By what impulse were they moved? The history of the subsequent proceedings seems to give an explanation of this singular fact.

After the vote on the Cumberland road bill, two reports, of course, were made, and the Speaker signed a bill. Mr. Mann said the functions of the House had ceased; it was twelve o'clock. And then Mr. Jarvis moved a resolution that, the hour having arrived when the term for which this House was elected has expired, we do now adjourn.

Mr. Polk demanded the consideration of the question. The Speaker decided the resolution not to be in order; and Mr. Jones moved an adjournment. This motion was resisted by Mr. Wardwell, Mr. Evans, and Mr. J. Q. Adams, and was decided in the negative. (Jour. p. 523.) Now, sir, why this motion? Had the managers returned, or had they not? Was it, or was it not, in accordance with the previously declared determination, to throw the responsibility of losing the bill upon the Senate? Or did it arise from a certain fact which occurred about the time of the conference, and which left the party no other mode of escape?

The House then took up the resolution to pay Mr. Letcher as a member of Congress; and, after debate, it was lost, 113 voting. And yet, of those not voting, several did appear in the subsequent proceedings of the House; and among them Mr. Jarvis, Mr. Beardsley, Mr. Polk, Mr. Francis O. J. Smith. The Senator from New Hampshire was also among the missing, and so continued, so far as voting was concerned, until the adjournment. I cannot divide the 113 who voted into parties and assign the proper place to each of those who voted, and those whose absence or refusal to vote prevented the quorum, but no one can look at the names without perceiving that the opponents of the administration were there ready to discharge their duty to the country, in transacting the business before them; and that the friends of the administration prevented the public service from being performed, by their desertion of the House, or their refusal to vote. And shall they now turn round, and charge upon their opponents the loss of any public measure? Do they suppose that all memory of facts and all inspection of records has been lost? Or do they rely upon the credulity of the people to believe any and every accusation against their opponents, especially when it is made to bear upon the Senate, and is endorsed by the head of the party?

There was no quorum—none willing to let the business proceed. Was there not a quorum really there? It wanted but a few votes to make it; and if those who appear in the subsequent proceedings had answered, I cannot doubt that it would have been found.

But if no quorum to attend to this bill, how could the House proceed in the transaction of other business? Yet it did so. Are their proceedings invalid? Has that branch of the Legislature permitted the approval and promulgation of laws to bind the citizens of the United States when they knew that they had no constitutional authority? I do not charge this grievous offence upon them; the zeal to fasten criminality here may bring them into that condition of guilt. After this no-quorum vote, the Committee on Enrolled Bills reported; the House received from the President seventy-five laws which he had approved, and by message communicated them to the Senate, (Jour. p. 239;) received a report respecting a national foundry for ordnance, heard it read, and resolved that the Secretary of War perform certain duties in regard to it; the Speaker laid before them nine important communications from four of the Departments and one of the bureaus, and from the Postmaster General. On a motion to print the last, there was a debate had and question taken. They also received two messages from the Senate: one respecting the conference, and one with ten bills which the President had approved. Were all these proceedings irregular, void? They appear in the journal, and the papers mentioned are a part of your public official document—the record of the legislative history of your country; and yet, sir, we are told there was no quorum, no House of Representatives in existence.

After the vote on Mr. Letcher's case, and after the message with the bills from the President, but before the message from the Senate respecting the conference, and the other proceedings to which I have alluded, Mr. Jarvis made another motion to adjourn, (Journal, p. 527;) it was debated; on the vote, Mr. Beardsley declined to answer, because it was past 12 o'clock; 118 members answered. There is again a like division of votes as that before alluded to, and, what is not a little inexplicable, Mr. Cambreleng, who would not report the result of the conference because the House had no power to receive it, voted against that House adjourning. (Journal, p. 528.)

The arrival of the message from the Senate to expedite the fortification bill is another remarkable point in the progress of these strange proceedings. When it was received, silence on the part of the managers of the House was no longer practicable. They had then been in their seats a long time, had seen the House proceed with its business, and been silent, neglecting the discharge of their important duty. When the message had been read, Mr. Cambreleng, the chairman, whose duty it had been and still was to make the report, declined, "on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and, further, that he declined to make the said report, on the ground that the constitutional term for which this House had been chosen had expired." (Journal, p. 540.) There it is, Mr. President, in those very words, a part of the journal of the House of Representatives of the United States, published under its authority. When or how that entry came there I know not, and have no power to investigate. But I should like to know whether it was the creation of the Clerk of that body, without suggestion from any quarter, and whether the Speaker saw and approved it before it was entered on the permanent journals. Let its paternity be what it may, it stands without a rival. "None but itself can be its parallel."

But, sir, let it stand there, and let us inquire what is its influence on the question which we are discussing. The chairman of the managers would not report, because there was not a quorum on the vote respecting Mr. Letcher's pay, "which vote was decided at the time the committee returned into the House from the conference." Turn back six pages, to the vote upon that question, and you will find Mr. Cambreleng and Mr. Lewis, two of the managers, voting upon it, this being one of the occasions on which Mr. Hubbard was missing. Was that question, then, decided when they returned? The present House ought to set itself diligently to work to correct the journals of the late House. In examining this contradiction, I beg Senators to recollect the suggestions which I have previously made in regard to the vote upon the Cumberland road bill, and compare the facts alluded to with this statement, and also to test the value of this journalized excuse, by the rights of a chairman to withhold a report from the House by which he was appointed.

I beg also to quote a passage from a publication with the signature of Mr. Cambreleng, dated 7th March, and which appeared in the National Intelligencer of the 9th March. In that publication he says:

"The only error in the following paragraph is the omission of Mr. Hubbard's name, who was one of the committee.

"The motion to ask a conference was agreed to, and Messrs. Cambreleng and Lewis were appointed to the committee of conference on the part of the House."

"The committee immediately left the House, and proceeded to one of the chambers of the Senate," &c.

The extract which he makes is taken from the report of the proceedings of the House. Now, he here declares that the committee immediately left the House after their appointment. Examine the journal, and you will find (pages 519, 520, 521) that, after this committee was appointed, and before the Cumberland road bill was taken up, the House considered the amendments to the bill respecting the supply of the army, &c., concurred in them, and ordered the Clerk to inform the Senate, and received two reports from the Committee on Enrolled Bills, containing nearly fifty bills, the very titles of which would consume some time in reading; after this, they took up the bill respecting the Cumberland road, debated it, had the previous question demanded, ordered, voted, and then debated the question on the final passage. After all this, the vote was taken, and the names of Mr. Cambreleng and Mr. Hubbard appear upon that vote. If, then, the managers left the room immediately after their appointment, and yet were in the House when this vote was taken, is it not perfectly clear that the Cumberland road bill must have passed after the conference was over? There was time enough, and more, while the House was engaged in the proceedings and debate to which I have referred, for the committee to have met and agreed, and the conferees returned to their places. Either the recollection of the chairman, or the journal, needs correction. In weighing the evidence on this point, Senators will have no hesitation in believing that the conference was over when the Cumberland road bill passed. And if so, the question as to the hour of the night is put at rest. Either the conference and the agreement was before twelve o'clock, or the hour did not operate on the consciences of the managers and the President, for the former voted upon, and the latter approved and signed, that bill. There is another fact in relation to the journal of this part of the proceedings of the House which bears upon this question of the quorum and the House, to which I ask the attention of Senators. The journal (page 523) states that the previous question was called in the debate about the payment of Mr. Letcher, "and passed in the affirmative." But it does not state by what vote. Why this omission? Who will explain it? A reference to the report in the National Intelligencer of the 7th March gives this fact, that upon that vote there were 69 yeas, 65 nays, 134 members present and voting. A quorum, Mr. President, is found long after the Cumberland road bill passed—a quorum after twelve o'clock, by the insisting of our adversaries—a quorum willing to vote when the question suited them. Where were they after this? Why was not the report made while they were there?

But let us return to the statement of the chairman as it is journalized. He says, "the constitutional term for which this House had been chosen had expired." And who, sir, decides this grave question? The House itself? No. But the chairman of the managers. And where did he find his authority to decide it? Had he the power of that body in his hands? Would it not have been quite as proper and respectful for him to have made his report and left the settlement of its own existence and powers to the House itself, voting upon the question as his conscience dictated? But this was hazardous. If the report had been made, it might so have happened that the House would have agreed to it; the bill might not have been lost—it might have been carried to the President; and the blame of its defeat might have fallen, not upon the Senate, but upon another portion of the Government. It was better, sir, to try the chance of throwing it upon the Senate. "The constitutional term of the House had expired." And where did this manager find his legal or constitutional doctrine on this point? In what book or creed of politics did he learn that the term of Congress expires at twelve o'clock at night? Is there any declaration in the constitution to that effect? None. Is there any law establishing the commencement and termination of Congress at that hour? None. Is there any resolution or act of Congress itself? Not one. Then where did he learn it? Was it from practice? More than one half, nay, more than two thirds, of all the Congresses under this Government have continued to sit, to transact business, to pass laws, after that hour. It has been done by all parties and under all administrations. He had, in truth, no competent authority for his assumption. The House had no excuse for neglecting its duty. It had constitutional power to act. The true doctrine is that mentioned by the Senator from Massachusetts. The year and term end at the close of the last day's sitting. This is the judicial understanding on this point. Courts have so decided in relation to their own powers, and the extremest penalties of the law have been inflicted in conformity with it.

But the chairman of the managers, and those who acted with him, had one authority, whose controlling power, so far as they are concerned, I am not so absurd as to question. It was that of the present President of the United States, to whose opinion and action on this point it will be my duty presently to refer.

When the chairman had made this exposition of his reasons, which are entered upon the journal, Mr. Lewis, another of the managers, discharged this duty, and made the report of the agreement to which the conferees had come. The Speaker declared the House in possession of the report; and the question was put whether the House would adopt it? It had then arrived, *per multas ambages*, if not *per tot discrimina rerum*, at the point where it might act, and pass this bill. If it had the desire to see it pass, if the regard for the public interest, for "the defence and security of the nation," rose above its deference and regard for party principles and a party leader, and above the paltry desire of throwing responsibility and censure upon the Senate, it had the opportunity, in spite of the contrivances of those who had thus far baffled it, to vindicate its own patriotism, and secure to the country all the means which the fortifications and the navy required. Did it do so? And if it did not, then why not? An objection was instantly stated, that there was no quorum; tellers were appointed—the two managers who were not missing--and 111 appeared.

Mr. Carmichael then moved an adjournment, and the vote was taken by yeas and nays, and was 35 for, 76 against it, the chairman being one of the yeas; and, on the other side, almost the solid vote of the opponents of the administration. They were there, demanding the discharge of the public duties, calling for the passage of the appropriation which is now deemed so necessary for the public interests. But they were not heard. They were ready to fulfil the trust reposed in them, and they were men with whom, now and at all times, I shall feel an elevated pride, as a man, a citizen, and a public officer, in being associated. This was the last time that the yeas and nays were called in that House, whose journal, at least, will give them a perpetuity of fame.

Mr. Lewis, one of the denounced opposition, anxious that the House should act on the report of the conference and save the bill, moved that the House should be called, to compel members to appear; and how was the motion met? Mr. Cambreleng resisted it, and said, "I protest against the right to call the House. What member will answer to his name?" "I will! I will!" was the response. "I am as much in favor of the fortification bill as the gentleman from New Jersey; but I say that the responsibility for its failure rests upon the Senate, and not upon us. The bill was defeated by the Senate." Sir, the declaration was too much for the House, and no! no! was heard from every part of it. Did that member believe that every assertion and every absurdity would pass current with the people, when it came clothed with the action and sanctioned by the mandates of the party?

There were two resolutions offered by Mr. F. O. J. Smith, one to appoint a committee to wait upon the President, to announce to him that the House was ready to adjourn; the other to communicate the same fact to the Senate. An effort was made to amend the latter, by stating in it that there was no quorum, (Jour. p. 532,) but it was not decided. A motion was made by Mr. Reed, of Massachusetts, an opposition man, pure in purpose, faithful to duty and his country, to call the House, but it was defeated by a motion by Mr. John Y. Mason to adjourn—which was carried, without having sent the ordinary messages to the President and Senate. And thus *sic transivit*. I would that we could adopt the maxim *nil de mortuis, nisi bonum;* but these things are now matter of history; and a faithful exposition of fact, duty to the people of this country, defence upon the accusation which has been brought against the Senate, demand that the truth should be told of it. Why was such an exhibition made by the representatives of the intelligence and virtue of this country? Has the standard of the moral perception of right and wrong been depreciated and debased? Have the people become so blinded by party prejudice, that their representatives dare do any thing which party and party leaders may prescribe, and still hope for approbation?

Upon the motion to inform the President or the Senate, one of the Representatives from New Jersey—he to whom the chairman alluded, in the observation which I have quoted—a friend of the administration, [Mr. Parker,] who had previously demanded to know whether the managers meant to report the result of the conference, now exclaimed, "How can we pretend to say that we have concluded the business before us? And how can we adjourn without passing the fortification bill? This House has passed the bill. The Senate made a large addition to it; the House had added another appropriation; the Senate disagreed to it. A committee of conference was appointed, and that committee has refused to report to this House. Shall we go away and leave this bill, when there is an apprehension of war?" It was a friend of the administration which pronounced this condensed history. It is a faithful portrait; but it required another question to be added. Shall we hereafter venture to charge the failure upon the Senate; and shall the President of the United States be induced to assert their guilt in an annual message?

Yet so it is. The assertion has been made from the high place of power and control over popular belief, and it has been reiterated upon this floor. To the allegation I oppose the facts, the journals of the two Houses, the whole conduct of the parties in this controversy, the declaration of Mr. Parker, and, permit me to add, the unanswered testimony of Mr. Barringer, a member of the House, made upon the floor at the time, and in the presence and hearing of those who would have answered if they could. He is reported to have said: "The bill was defeated by an intrigue here (in the House.) If gentlemen desired names he would give them. But if this was declined, he would say that there were members who now sat in their seats, and would not answer to their names, who did so in consummation of the intrigue."

Mr. President, it was by a House thus constituted, and thus acting, that the bill was kept from the Senate. It expired there, in their keeping, and when the Senate had no power to reach it. If the Senate had been willing to pass it, with the three million provision in it, it would have been out of our power. This body, after sending its last message to the House, continued in session nearly or quite an hour, waiting for that bill; hoping that a returning recollection of what was due to the country, if not to themselves, might induce them to agree to its passage. But the case was hopeless; the condition and proceedings of the House were known, witnessed by most of the members of this body, and the President had himself retired from the Capitol.

I have before alluded to the fact of the President's absence from the Capitol. What may have been the precise extent of its influence upon the conduct of the House I do not pretend to decide. But the fact was known in both Houses long before either of them adjourned, and was familiarly spoken of, as the reason why "it was past twelve o'clock, and no quorum in the House."

The fact itself is without dispute. The Senate had rejected the three million appropriation; they had refused to intrust to him what they would have trusted to no man—the constitutional power of Congress over a portion of the treasury. In addition to this, the Senate had indefinitely postponed the nomination of Mr. Taney as a Justice of the Supreme Court. The Secretary carried this decision to him. His uncommon patience would bear no more. Power had been denied, and a favorite rejected. He refused to receive our message, told the Secretary it was past 12 o'clock, and he would receive no more communications from the Senate, and soon left the Capitol. What was the precise hour when this dignified exhibition took place cannot be ascertained. The watches and clocks did not agree. But whether before or after midnight was of no consequence. His own official term had not expired, and it would have been quite as proper for him to have permitted the two Houses to determine for themselves when theirs did; at least, to have received such messages as they might send, and return to them respectful answers. But the favorite had been rejected, and there was no hope of the three millions, although $1,670,000 might still have been saved to the fortifications and defences of the country.

Might not this fact have had some influence on the fate of the bill? Might it not have been thought unkind, and against the doctrines of party, to pass it, and throw upon the President the responsibility of its loss? Might it not have been feared that he would refuse to sign it? Notwithstanding his refusal to receive any further communications from the Senate, I hope he would not have rejected it. It would have come to him from the House, and must have been returned to the House, in which it originated. Besides, it would have been a pretty bold venture to have placed himself on the point of time, after signing the Cumberland road bill that very night. And none of his predecessors had ever so acted. Every one of them, except since the rule which regulates the action of the two Houses on the last three days, had signed bills after that hour. It has so happened, though still not very old, that I have personally known the fact in relation to four of them. And there is, if possible, still higher authority than theirs. A member of the committee who waited upon General Washington with bills for his signature at the close of his official term, informed me that he went to his house about two o'clock in the morning. The President had retired; but he came down, made a remark respecting the time, and signed the bills; and they were a large proportion of those upon your statute book which were approved on the 3d of March of that year: some of them relating to the courts, the debt, the treasury, and other subjects of importance. May we not hope that our present Chief Magistrate would have been influenced by the conduct of the first Washington, and that of his own alleged exemplar, Mr. Jefferson? Observe, sir, I do not use the word *pretendu*.

In the review of this case, I feel confidence in repeating my declaration, that the Senate did its duty, and its whole duty, fully, faithfully, fearlessly. There is not one fact, when truly stated and understood, which does not sustain this assertion. We added largely, of our own motion, to the appropriations which were called for by the Executive, and voted by the House. They gave us $439,000; we added to it $421,000. They asked us to place three millions more at the unrestrained discretion of the Executive; we refused, but agreed to add $800,000 for specified objects. We urged on the House the passage of a bill which gave $1,679,000 for putting the country in a state of defence. In any event, it was enough; as much as the Executive could have used discreetly and economically. I demand, then, are we guilty or not guilty?

Mr. President, the patience of the Senate must be exhausted, and I will not stop to draw, as it might be drawn, the other side of the picture. I will only remind the Senate of the persons and the party who were the controlling actors in that extraordinary scene. Who were they who first proposed $439,000 only of specific appropriations, and resisted its increase, and yet offered to place three millions at the disposal of the President, at his discretion? The journals answer, and to them I appeal. They were the friends and supporters of the administration. Who objected to a conference, by which the bill might have been saved? The friends of the administration. Who insisted upon the bill when the three millions were to be placed in the hands of one man, yet defeated it when $1,670,000 were to be appropriated for specific objects? The friends of the administration. Who refused to report and receive the agreement by the conference of the two Houses? The same persons. Who threw every possible obstacle in the way of the bill? The same party. Who moved adjournments to put an end to the action of the House—objected to voting—and endeavored to prevent the House from sitting and proceeding? Messrs. Cambreleng, Polk, Beardsley, Jarvis, Mann, Jones, Carmichael, John Y. Mason, and other like persons. On the other side, and in opposition to all these proceedings, you almost invariably find those members who are denounced as unworthy of confidence, because they cannot bend the knee to power. On some of the votes there are exceptions. This is the case upon the first offering of the three million section. There are to be found in favor of it a few names of opposition members, and they are men of as pure feelings as any of whom the country can boast. I believe they erred, and erred grievously. But I neither impeach their motives nor those of any member of either House, in voting for that section. If they thought it constitutional, expedient, required by the condition of the country, it was their duty to vote for it. I thought otherwise, and have no desire now, or hereafter, to shrink from the full measure of that reponsibility in regard to it, which is justly and truly laid upon the station which I occupy. I saw no necessity for vesting any discretion in the Executive in selecting the objects on which the public treasure should be expended. The selection of those objects, and the sums to be expended on each, was the high duty of Congress, not of the President, and we had had time enough to make the selection and prescribe the sums. I had no inclination to leave, by any vote of mine, either power or inducement to the Executive to commence actual war, or temptation to place us in a condition in which it should be unavoidable, and the time of its commencement was not matter of choice with us.

It is the high and solemn duty of Congress, and of Congress alone, to declare war, and to decide upon the time and manner in which it shall be waged. I had not, perhaps, all the confidence in the prudence and discretion of the Chief Magistrate which I ought to exercise; and, looking to the peace and interests of the country, I felt that it was due to them that we should not unnecessarily intrust too much power over them to him or any other one man, nor forget that liberty and free institutions require incessant watchfulness and jealousy. I thought it a fit occasion to apply "the firm and fearless check of the Senate" to the progress of those movements which might render our Government a "simple executive machine." I saw no impending danger of an early hostile invasion--no such pressure as could not be met by Congress at its regular meetings, or at such as the Executive had the power to call. I believed that the proposition to grant, in the mode proposed, three millions, or ten, or twenty, or one, was a violation of the constitution of the land, and that the necessity which should induce its open violation within these halls should be the last struggle of a despairing and hopeless people. A hostile force may be repelled and driven from our shores--a city in ruins, or a Capitol destroyed, may be rebuilt--but that constitution, broken by the overthrow of its balanced powers, cannot be repaired. Give to the Executive the control in the disposition of your treasury, and over peace and war, and its best guards to your liberties are gone, and will never be renewed; or, if they should be, it will be through scenes to which foreign war will be a trifle. The last and only bond of your union will be severed; and that flag, of whose honor we have been reminded, will present one star, and one only, and the place of its stripes will be covered with one shade, or they will float fitfully, without mutual dependence and connexion. Let us save that constitution, in all our ebullitions of party, in all our devotion to men, in all our hours of trial, internal and external.

Mr. President, I thank the Senate for its patience. I have endeavored to exhibit the truth in relation to that point on which the Chief Magistrate has chosen to make his accusation against this body, and send it on the four winds of heaven. And I have done it by references to the journals and reports of Congress. I have declared my own views and purposes in the act which I have performed. If political adversaries shall still repeat the charge, I turn them to the records of Congress. If any personal and political friend, who has known my course in life, shall deem it proper to impute to me other feelings than those which I have expressed, and believe that I am unwilling that the country should be defended, and have ceased to remember that my country, in any and every trial, is my country still, I shall be compelled to bow in silence. I shall have no retorts and recriminations to make. All that I shall demand is, that I be tried in the hour when the wrongs of my native land are to be avenged: and if I fail, then, and not till then, let my condemnation be pronounced.

TUESDAY, JANUARY 26.

MICHIGAN MEMORIAL.

The memorial from the Legislature of Michigan, on the subject of her admission into the Union, having been presented,

Mr. HENDRICKS moved that it be laid on the table.

Mr. KING, of Alabama, suggested the giving the memorial the same direction that had been given to a memorial having reference to the admission of Michigan into the Union in the other House. He would refer it to the committee appointed to consider the President's message on the same subject, and the question of boundary between the State of Ohio and Michigan. This direction would not commit the Senate, and would allow to the memorialists an opportunity, to which they were undoubtedly entitled, of being heard.

Mr. HENDRICKS would be the last to oppose the giving a hearing to the memorialists; but certainly the Senate had not progressed so far as to be prepared to receive a communication from Michigan as a State. If she wished to become a State, she ought to proceed in the constitutional manner that other States had done.

Mr. TIPTON said he was extremely unwilling that it should be supposed he was capable of taking any course denying the right of the people of Michigan to approach either branch of the national Legislature by petition or remonstrance. He hoped he had shown sufficiently, on a former occasion, to the satisfaction of the Senate, that, under the present form of her constitution, assuming a boundary she was not entitled to, Michigan could not rightfully be admitted into the Union. His colleague and himself could not admit that she was a State under present circumstances, claiming, as she did, a portion of their State. On that occasion the subject was referred to a committee, and he and his colleague were content to wait until they heard that committee's report, before acting further on the subject. While the matter remained in this situation, it was unnecessary as well as vexatious to be receiving petitions, and discussing them. He was anxious to hear the report of the select committee, from which the Senate might make up a correct decision on this delicate question.

Mr. KING, of Alabama, was not disposed to interfere unnecessarily in this matter, but, as one of the Senators of the United States, he felt it to be his duty to endeavor to give such a direction to the memorial as would enable those who framed it to present their views to the Senate, and at the same time enable Senators to examine carefully and deliberately their claims, without committing themselves. He would therefore prefer that the course taken by the House of Representatives should be followed on this occasion. He should like to know why the gentlemen from Indiana were opposed to giving the memorial this direction. If they were in favor of the admission of Michigan into the Union, on the condition that she made the proper change in her constitution, respecting boundary, why not refer the memorial to the committee, who would report distinctly what it would be necessary for Michigan to do? The subject was already before the committee, and, to enable them to have the whole subject before them, they ought also to have this memorial. They could not ask for it, nor act on it, without the order of the Senate. The committee would act and report at all events, and the gentlemen, by refusing the reference of this memorial, would not prevent the subject of the admission of Michigan from being discussed at this session. It was customary to refer memorials of this nature to the Committee on the Judiciary, but as there had been a select committee constituted to consider the President's message on this subject and the disputed boundary question, and as Michigan had, since the appointment of the committee, given her views more at large in the document just read, it would be more appropriate to refer it to the same committee, in order that they might have the whole subject before them. He wanted a report at length, after a full and fair investigation by the committee, that Senators, having such a report on their tables, might carefully examine it, and come to a direct decision.

Mr. EWING, of Ohio, observed that the objections of the Senators from Indiana were not as to the examination of the memorial by a committee, nor to the admission of Michigan into the Union. Their objections, as he understood them, were that by receiving this petition, it would be admitting that Michigan was a State, and that she had a Legislature as such. Now, he (Mr. E.) did not admit that Michigan was a State, and had a Legislature. He knew very well that every citizen of the United States, and every State of the Union, had a right to memorialize Congress, and to be heard; but the question was, was Michigan a State? If there be not such a State, (said Mr. E.,) then we cannot accept the memorial in its present shape. We concede the point that she is a State, (continued Mr. E.,) if we accept this memorial, purporting, as it does, to come from the Legislature of the State of Michigan.

Mr. TIPTON observed that the constitution submitted by the people of Michigan had been sent, as the Senator from Alabama observed, to a select committee. To that he had no objection. It was well known that for two years he has been advocating the rights of that people; and when they brought themselves before Congress in a constitutional form he would readily agree to admit them into the Union. This, however, they had not done. If it was possible to admit them without doing injustice to the other States, whose boundaries they had attempted to overstep, he would be the first to do it; but what did the document before them declare? It was not the constitution of Michigan, nor coming from the people of that Territory, but it purported to be a memorial coming from the Legislature of the State of Michigan. There was no such political body as that assumed in the memorial, and he and his colleague were not willing to admit there was. He did not wish to reject the memorial. He was contented with the motion of his colleague to lay it on the table, and on that question he would ask the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. KING, of Alabama, referred to the course taken with a similar memorial from Michigan in the House of Representatives, and hoped the Senators from Indiana would consent to let this memorial take the same course. A motion was made in the House of Representatives, he said, to reject the memorial, and the motion was not sustained. A motion was then made to receive it and refer it to a committee, declaring at the same time that the paper was not received as the memorial of the Legislature of a State, but as the memorial of individuals.

Mr. CLAYTON observed that, by general consent, the motion to lay the memorial on the table might be withdrawn, and he hoped the Senators from Indiana would consent to that course, and let the memorial take the same direction that had been given to the one in the other House. He did not perceive that any thing could be gained by the opposers of the admission of Michigan by refusing to refer their memorial. The Senator from Indiana proposed to receive the document, and then lay it on the table; for it would be as much received by laying it on the table as by referring it to a committee. The course taken by the other House did not commit them as to Michigan's being a State. They resolved that they would hear the memorial as they would hear the memorial of private individuals. If the Senate should adopt this course, it appeared to him that it would be more calculated to satisfy the people of Ohio, Indiana, and Michigan, than by refusing to receive the memorial. It would certainly be the most unexceptionable course to refer the memorial with the qualification made in the other House; and a reference to the select committee, who already had the subject before them, was preferable to a reference to the Judiciary Committee.

Mr. HENDRICKS then withdrew his motion to lay the memorial on the table, with the general consent of the Senators, as the yeas and nays had been ordered, and submitted a motion in the following form:

"*Ordered*, That the memorial purporting to be from the Senate and House of Representatives of the State of Michigan be referred to the select committee, appointed on the 22d of December, in relation to the admission of Michigan into the Union, and that the Senate regard the same in no other light than as the voluntary act of individuals."

Mr. DAVIS was in favor of giving the petition the usual direction. A petition from a man representing himself to be a ship owner did not prove him to be a ship owner, nor did the petition of a manufacturer, representing himself as such, prove him to be one, and we are not bound to recognise their character. Now, these persons represent themselves to be, I suppose, a political body. As a matter of principle, when a petition came here in respectful terms, it ought to be treated in a respectful manner. He would be satisfied to consider the petition as containing a faithful description of themselves, and was disposed to let it take the ordinary course.

Mr. NILES said that, aside from matters of form, he was disposed to regard the petition as coming from the people of Michigan, claiming political rights of the highest magnitude, and he could not refuse to hear them, and least of all a memorial coming from a whole people, claiming admission into the federal Union. Have they (said Mr. N.) not a right to select their own mode of application? They came here not asking a matter of favor, but a matter of right. Had they not a right to select their own committee to represent those rights? For his part, he was disposed to hear them. If there ever was a people who claimed rights of a high character, it was those who had political rights, and were not represented. He regretted to see a disposition manifested to shut out the inquiry, and to prevent them from being heard.

Mr. EWING, of Ohio, said he would assure the Senator from Connecticut that there had been no attempt made there to shut this people out from a hearing. There were ways enough of presenting this communication to Congress without the petitioners presenting themselves as the Legislature of a State. His objection was to the form in which the memorial came, and not to giving the people of Michigan a hearing. Gentlemen therefore were mistaken, and misstated them in saying that they were opposed to giving the people of Michigan an opportunity of being heard. The true question before the Senate was, whether this memorial came from a State—whether the Senate could address Michigan as a State, and receive communications from her as such. The gentleman from Massachusetts [Mr. DAVIS] had compared this memorial to one coming from a person declaring himself to be a manufacturer, ship owner, &c., and contended that Congress, having no right to inquire into the occupation of individuals, but bound to receive petitions coming from them, ought not to reject them merely because they do not give a true description of themselves. This was very true; as regarded individuals, we do not inquire (said Mr. E.) what is the occupation of the petitioner, but whether he is a citizen of the United States; for he presumed the gentleman would not receive a petition from the Emperor of Japan or the Governor of Upper or Lower Canada. It was, however, absolutely necessary that, when a communication came from an association of people styling themselves as the Legislature of a State, their designation should be a true one, otherwise they could not properly be heard. Now, the people of Michigan had an undoubted right to petition Congress; but could they delegate this right to a body called a Legislature? They could not do it without the authority of Congress; and if (said Mr. E.) we receive this petition from them, we admit in some measure (he did not say it would be an absolute measure) that Michigan was a State. He was content with the course pursued by the House of Representatives, and hoped that it might be followed in the Senate.

Mr. TIPTON conceived the section of country he represented was intended to be affected by this application. He could perceive that honorable Senators, who were not immediately concerned in this question, had not examined the case in all its bearings, and he would ask them seriously to examine it. Mr. T. would refer them to the third section of the fourth article of the constitution, which had reference to the terms of admission of the new States. The people of Michigan had informed them that they had formed a State Government, and that two persons had been elected as Senators to represent them in the Senate of the United States, who are here, and claimed seats as such. By the decision of the Senate, seats were not granted to them. His colleague and himself could do no act that, by any possibility, might be construed into a recognition of Michigan as a State. The people of Michigan claimed many miles over the territory of the State he represented. And, until that claim was adjusted, the boundaries could not be defined so as to entitle her to be admitted into the Union. All the rights of the people of Michigan would come up fairly before the committee to whom the subject was referred; and he had no objection to the petition being received, and referred to that committee, who would then have the whole subject before them, provided it was referred in the manner proposed by his colleague—as a memorial coming from the people of Michigan, and not as coming from her Legislature as a State. He denied the possibility of the existence of that body (the Legislature) as a political body, and it could not become such, until, by their acts, they brought themselves within the provisions of the constitution and laws of the United States, which they had not done.

Mr. PORTER intended to vote for the proposition of the Senator from Indiana, but some remarks had been made by the Senator from Connecticut, to which he would reply. The gentleman was opposed to the qualification in the motion of the Senator from Indiana, because the right of petition might be infringed by it. Now, he did not understand any such thing. The reference, in the manner proposed, did not preclude the petitioners from being heard, but simply declared that the Senate was not yet prepared to decide that Michigan was a State. He was not one of those who thought that petitions could be received there about any thing and every thing. He thought they ought to be about such things as Congress could act on, and from some known person or corporate body, before they could properly be received. He did not wish to waste time on matters that seemed to be of trifling import, but it did appear to him that the receiving a petition from Michigan as a State would be an admission of the fact that she was what she called herself. He did not intend to interfere with the controversy between Michigan and the States of Ohio, Indiana, and Illinois, as to boundary, but it seemed to him that no Territory could come before them as a State until the consent of Congress had been given to her admission into the Union. He assured his honorable friend from Connecticut [MR. NILES] that he was ready to give the most deliberate attention to the affairs of Michigan, and to decide upon them according to the best of his judgment. The number of inhabitants in that Territory and the adjoining States would make no difference with him, nor prevent him from deciding impartially between them.

Mr. CALHOUN regarded the political existence of Michigan as a State, as a nonentity. The gentleman from Massachusetts [MR. DAVIS] had said that we were not bound to recognise a petitioner as a manufacturer, because he called himself one in the petition. That case did not apply to a corporate body, and especially to a political body. The petition must or must not be received. The position it assumed was strongly illustrative of the position some gentlemen had assumed on this floor. To receive this petition would amount to a recognition of Michigan as a State, and he could therefore not agree to receive it.

Mr. CLAYTON, in reply to MR. CALHOUN, said he hoped the Senator from Indiana would not vary his motion. It appeared to him that the course now proposed was the very one to prevent all dissatisfaction on either side. By referring the subject to the select committee, with the qualification proposed, we do not (said he) commit ourselves at all as to whether Michigan is, or is not, a State. We send the memorial (said he) to the committee to inquire into the fact. Besides, in the very language of this order contemplated in the motion, it was provided that the Senate received this document from a particular section of the country, as a memorial coming from the people of that Territory, and not as a memorial from a State. How, then, could it be contended that, by receiving and referring the memorial, the Senate would be committed as to Michigan's being a State? To decide at once that this was a State, or to do any act recognising her as such, without reference to the boundaries of Ohio, Indiana, and Illinois, would create a great deal of unnecessary excitement. On the other hand, it was just and right that every thing said by this people, as a people, should be heard. Let the memorial, therefore, (said Mr. C.,) go to a committee, to consider the subject calmly and deliberately, and to report all the facts necessary for the information of the Senate.

Mr. DAVIS did not feel any great anxiety about this matter. He had understood, till the Senator from South Carolina arose, that no objection had been made to receiving the memorial, and that it was already in the possession of the Senate. His worthy friend from Ohio [MR. EWING] asked whether he would receive a petition from the Emperor of Japan. That question he was not called on to answer, because the gentleman went further, and said that when petitions were presented, the inquiry was not made whether the petitioner had correctly designated himself as a manufacturer or ship owner, but whether he was a citizen of the United States. Now, did not this settle the very question before the Senate? Were not these memorialists citizens of the United States, and falling within the description of those entitled to petition Congress, given by the gentleman from Ohio? While up, he would ask of the Senators from Indiana, whether it was more profitable to have the inquiry there made whether Michigan was a State, or to have the same inquiry made by a committee? This seemed to be a mere question of expediency. The Senator from South Carolina had stated the true question, which was, whether the petition should be received or not. But that question had been settled; and it was too late then to raise it, and it would be inexpedient to do so.

Mr. RUGGLES moved a division of the question on Mr. HENDRICKS's motion, so as to take it first on the reference, without the accompanying qualification.

Mr. CLAYTON said the effect of a division of the question would be to make those who were anxious to give Michigan a hearing vote against the reference altogether, under the apprehension that the qualification declaring that the Senate did not receive the memorial as one coming from a State might not be carried. Now, the proposition made by the Senator from Indiana was one that would give to the memorialists a full and fair hearing, without committing any Senator who voted for it.

Mr. LEIGH said, if the call for a division was insisted upon, it would place the Senators in the position mentioned by the gentleman from Delaware, [Mr. CLAYTON,] and he hoped the gentleman from Maine [Mr. RUGGLES] would not insist upon it. He suggested to the gentleman from Maine [Mr. RUGGLES] that he could get at his object by moving to strike out the qualification in the motion of the Senator from Indiana.

Mr. RUGGLES. If the petition was considered by this body as coming from individuals simply, the objection would seem to be obviated as to its reception. He was not prepared to say these individuals were the representatives of Michigan State, or whatever name it was called by; they called themselves a Legislature. It was immaterial to him by what name they were called, as regarded this petition. Were the Senate authorized to say, we shall not hear them as a people? If they had called themselves a convention of the people of Michigan, would the question arise whether we should receive their memorial? We do not make the inquiry (said Mr. R.) when the proceedings of an assembly calling themselves a convention are presented to us, whether they are what they import to be or not.

Mr. NILES said that the object, as he apprehended, was to ask an expression of the Senate, that the organization of Michigan was improper and unlawful. He was not prepared to do so. They did not claim to be a State; they came for the consent of Congress to become a State.

[Mr. CLAYTON here rose to correct the misapprehension of the Senator from Connecticut, [Mr. NILES,] and said they claimed the Territory as a State.]

Mr. N. understood it. The only question was, whether the Senate should enter into a preliminary measure. Did the constitution provide any particular mode for that? No. They were bound—it was their duty—to receive new States under the proper restrictions. They could not have federal rights without the consent of Congress. They must have their constitution framed, and submit it to Congress, to see that it was republican, and not incompatible with our Government. He was willing to let them take what preliminary steps now they pleased; and when the question of their rights came before the Senate, they would take care that there was no violation of the rights or principles of the Government of the Union.

Mr. CALHOUN moved to lay the memorial on the table, in order to take up the unfinished busined of yesterday. It was half past one o'clock, (he said,) and the Senator from New Jersey [Mr. SOUTHARD] was expected to go on with his remarks.

This motion was decided in the negative.

Mr. RUGGLES wished to say one word before the question on his motion was taken. By making the declaration he proposed to strike out, the Senate would be committed on one important point. The question of the admission of Michigan as a State was before a committee, and it was not known what their report would be. If they reported to-morrow that Michigan is to be admitted into the Union on certain conditions, then the question would arise, "had she asked for admission?" To ascertain this fact, otherwise than by the memorial coming from her, would be a slow process. If the Senate declared that this paper was the act of individuals only, that those who called themselves the Legislature of Michigan were not authorized to speak for her, then the Senate committed themselves; and if they received a report from their committee to-morrow, they could not say that Michigan had asked to be admitted into the Union, for they would have declared that those who presented this memorial were not a public body, and had no authority from Michigan to ask for her admission into the Union.

Mr. HENDRICKS said that a disposition had been imputed to him on this occasion, to exclude the memorial altogether, but that nothing could be further from his purpose; and if this had been inferred from his motion, in the first instance, to lay it for the time being on the table, he had been wholly misunderstood. A memorial had been presented by the President of the Senate, purporting to be a memorial from the Senate and House of Representatives of the State of Michigan. Its contents were very partially known. So much of it, however, had been read by the Secretary as informed us that it was a paper taking ground upon the ordinance of 1787, and claiming for Michigan the right of admission into the Union, as a sovereign and independent State. He had felt it his duty to resist this pretension; and denying that any such case existed, denying that Michigan was or ought to be considered a sovereign and independent State, had moved that the memorial, for the time being, be laid upon the table. This motion had been made, that time might be afforded to look into the disposition that had been made elsewhere of a similar memorial. The discussion that had ensued had given time to turn to our files, and he then had before him a document, which showed what had been done with the same memorial, as he believed, in the House of Representatives. He wished the thing to take the same course here, and, when up before, had withdrawn the proposition to lay on the table, and offered the proposition which had been read at the Secretary's table. He had not the remotest wish to exclude the document referred to, but he was anxious that, in referring it to a committee, no sanction should be given to the character it assumed for the people of Michigan. He contended that, in no sense of the word, could they be considered a State. The laws of Congress for the Government of Michigan Territory were in full force, and the Senate, in another capacity, had before them a proposition looking to the due extension of the laws of the United States in and over that Territory. The character in which the people of Michigan represented themselves in this memorial, seemed to have been misapprehended by some Senators who had favored the Senate with their views. They seem to understand the people of Michigan as asking permission to become a State, but the memorial affirmed the fact that they were already in the enjoyment of a State Government, and in that capacity it asked that they might be received into the Union.

The Senator from Massachusetts (said Mr. H.) thinks it an unimportant fact what character a petitioner assumes when he comes upon this floor? He says that a man representing himself to be a ship owner in his petition, will not be inquired of whether he be a ship owner or not; that the Senate will pass this by as immaterial, and only inquire into the prayer of his petition. But suppose the prayer of his petition to be that Congress, for some important purpose connected with the interest of this Government, should recognise his character as ship owner, would not this then be the very fact to be inquired into? If so, this is the very case before us. It is that Michigan may be recognised with her Senate and House of Representatives, and in the capacity of a sovereign and independent State. It is for this purpose that she presents herself here. She asks to be admitted into the Union, and the first and most important inquiry is, is she a State? And if she be a State, under all the circumstances in which she presents herself, boundaries and all, there would probably be no hesitation in the mind of any Senator about her admission into the Union. Her character, then, State or no State, was the point in controversy. The right of petition, Mr. H. said, had very little to do with the present case. Every citizen of Michigan had a right to petition, and the people of Michigan Territory had unquestionably this right in their proper character, or in almost any other character that did not array itself against the laws and authority of the United States.

But the people of Michigan, in presenting their Senate and House of Representatives, as the legislative power existing there, showed that they had trampled upon and violated the laws of the United States establishing a territorial Government in Michigan. These laws were or ought to be in full force there; but, by the character and position assumed, they had set up a Government antagonist to that of the United States. If, before they had put their Government in motion, they had presented themselves here, and asked admission into the Union, the matter of boundary out of the question, there would have been no difficulty in the case. And if they wished now to become a member of the Union, and are content to come in at the right door, it is probable they will have no difficulty. Let them ask Congress, as they did two years ago, to pass a law authorizing them to form for themselves a constitution and State Government, and designating proper boundaries; or let them amend their present constitution, adopting proper boundaries, and their admission will be almost a matter of course. And this, said Mr. H., is, in my opinion, the easiest and speediest mode of getting into the Union they can adopt.

This is the first time, said Mr. H., that the Senate has been asked to receive any paper recognising them as a State; for although their constitution, and perhaps other documents, have been received, and referred to the select committee, they came as accompaniments to the President's message, which being referred, they were also referred as part of it. Before he resumed his seat, he would put a question to the Senator from Maine, who had asked a division of the question about to be propounded to the Senate. The purpose, however, of asking for a division, had for the present been abandoned, and the Senator from Maine had moved to strike out that part of the proposition which asserts "that the Senate regard the memorial in no other light, than as the voluntary act of individuals." This motion had doubtless for its object the reception of the memorial, and the rejection of the declaration with which it is accompanied. If it be the object, on the failure of this motion to renew the call for a division of the question, the proposition being my own, (said Mr. H.,) it is in my power so to modify it as to avert the result wished for by the Senator from Maine.

[Here Mr. RUGGLES remarked that it was not his intention to renew his call for a division of the question, and that he would be satisfied with the decision of the Senate on his motion to strike out.]

On taking the question, the motion of Mr. RUGGLES was lost: Yeas 12, nays 30, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, Niles, Ruggles, Shepley, Tallmadge, Wall—12.

NAYS—Messrs. Black, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Porter, Prentiss, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson, Tyler, Webster, White—30.

Mr. HENDRICKS's motion was then adopted, and the memorial was accordingly referred to the select committee appointed on the same subject.

NATIONAL DEFENCE.

The Senate proceeded to the consideration of the resolutions offered by Mr. BENTON.

Mr. SOUTHARD resumed, and concluded his remarks, as given entire in yesterday's debate.

Mr. WHITE then moved to postpone the further consideration of the subject until to-morrow; which was agreed to.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; and, when the doors were reopened,

The Senate adjourned.

WEDNESDAY, JANUARY 27.

SUPPRESSION OF INDIAN HOSTILITIES.

Mr. WEBSTER, from the Committee on Finance, reported, without amendment, a bill making further appropriation for suppressing hostilities with the Seminole Indians, and asked for the immediate consideration of the bill, as the state of the country required its passage with the utmost despatch.

The bill (appropriating $500,000) was taken up for consideration, and ordered to its reading.

Mr. WEBSTER asked for the third reading at this time.

Mr. CLAY said he should be glad to hear the communications from the Departments read, in order to see whether they gave any account of the causes of this war. No doubt, whatever may have been the causes, it was necessary to put an end to the war itself by all the possible means within our power. But it was a condition, altogether without precedent, in which the country was now placed. A war was raging with the most rancorous violence within our borders; Congress had been in session nearly two months, during which time this conflict was raging; yet, of the causes of the war, how it was produced, if the fault was on one side or on both sides, in short, what had lighted up the torch, Congress was altogether uninformed, and no inquiry on the subject had been made by either branch of the Legislature. He should be glad if the chairman of the Committee on Finance, or of the Committee on Indian Affairs, or any one else, would tell him how this war had burst forth, what were its causes, and to whom the blame of it was to be charged.

Mr. WEBSTER replied that he could not give any answer to the Senator from Kentucky. It was as much a matter of surprise to him as to any one, that no official communication had been made to Congress of the causes of the war. All he knew on the subject he had gathered from the gazettes. The communications from the Departments spoke of the war as a war growing out of the relations between the Indians and the Government of the United States, and gave no reason to suppose that it had its origin in any quarrel with the citizens. It probably grew out of the attempts to remove these Indians beyond the Mississippi. According to the latest accounts, the country between Tallahassee and St. Augustine was overrun by hostile Indians, and the communication between those places was interrupted. The view taken by the gentleman from Kentucky was undoubtedly the true one. But the war rages, the enemy is in force, and the accounts of their ravages are disastrous. The executive Government has asked for the means of suppressing these hostilities, and it was entirely proper that the bill should pass.

Mr. WHITE expressed his regret that he could add nothing to the information given on this subject. He knew nothing of the cause of the war, if it commenced in any local quarrel or not. It was the object of the Government to remove these Indians to the west side of the Mississippi, and he was apprehensive that the difficulty had arisen out of this measure. He had, however, no information which was not in the possession of every other Senator. He hoped the bill would be passed, and without delay.

Mr. BENTON made a few remarks expressive of his ignorance of the cause of the war. Some years ago he was a member of the Committee on Indian Affairs. At that time these Indians in Florida were in a state of starvation; they would not work, and it was necessary that they should be fed by the United States, or they must subsist on the plunder of our citizens. He was under the impression that for these Indians there was appropriated by Congress a very large sum, perhaps $30,000 or $40,000, to place them where they would be enabled to live without plundering. These Indians are a very bad tribe, as their very name signifies, the word Seminole, in Indian, being "wild, runaway Indians." They were therefore considered a bad race. It was obviously the best policy to remove these Indians to a place where they would be able to obtain plenty. Treaties were consequently made with them on the subject of their removal, and the process has been going on for some years; but when the time arrived when they should be removed, they declared that they had no wish to go; and so again last summer, when there was another attempt to remove them. The disturbances began by their shooting their chiefs, and from this increased to the extent described in the report of Captain Belton, from which, and from private letters, he understood that, in the massacres which had taken place, the runaway negroes of the South were the most conspicuous. They traversed the field of the dead, and cut open the throats of those who were expiring. Two weeks ago he had stated here that what had already resulted from the movements of the abolitionists was sufficient to cast upon them a sin for which they could never atone. Great as that mass of sin was, they may yet have a greater mass to answer for, in comparison with which the past was but as a drop in a bucket.

The bill was then read a third time, and passed.

NATIONAL DEFENCE.

On motion of Mr. WHITE, the Senate proceeded to consider the resolutions offered by Mr. BENTON.

Mr. W. then rose and addressed the Senate as follows:

Mr. President: The first of the resolutions submitted by the honorable Senator from Missouri is the only one which, as yet, has been the subject of any remarks. In its original shape it was not very definite, and since it has been modified, on the suggestion of my colleague, it is less so. It now proposes "that so much of the surplus revenue, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country."

This pledge will be indefinite, illusory, and deceptive; while we appear to pledge largely, it may end in little or nothing. Who is to judge how much is necessary? Congress. That body, then, will have the power to apply the whole, or nearly the whole, of this surplus to any other object, leaving nothing, or very little, for these objects. It cannot be said that we pledge five thousand, five millions, or any other sum, for these purposes. It appears to me, if we give any pledge, it ought to be of something which we can understand ourselves, and which the country can understand.

The debt contracted during the revolutionary war, during the last war, and all other debts which the United States had contracted, have been paid off; therefore, if the permanent defence and general security of the country require it, for one I will feel it my duty to add to our annual appropriations such sums as may be necessary to complete more rapidly our fortifications which have been commenced, to repair those which need repairs, and to build new ones at such important points on our coast as the public interest may require, to procure ordnance to arm them when built, and, if necessary, add something to our military peace establishment, so that we may have troops to take care of those fortifications and arms, after they shall have been built and provided.

As to the navy, I am willing to provide for hastening the repairing of our ships, building new ones, and equipping all for sea, which the interest of the country may require. These things I am ready to do, to any reasonable extent, upon the supposition that there is no immediate prospect of the state of the country being changed from that of peace to a state of war. If, in the opinion of the Executive, there is a probability that our friendly relations with any other nation are likely to be changed, and that preparation must be made for a state of war, so soon as I can be satisfied this opinion is well founded, I will go heart and hand with the Chief Magistrate in making all the preparations which money can make, to meet, successfully, such a crisis. I will not feel bound to stop with the surplus revenue; I will be willing to apply all we have, and to raise more, to protect the honor, the interest, and independence, of the country.

By the constitution, Congress alone has the power to declare war; still, as the Executive carries on our correspondence with foreign Governments, it is easy to see that the country may be placed in such a situation that, consistently with its interests and its character, Congress can do nothing but declare war. I have no belief that this is our situation at present, and cherish the hope it never will be.

I will use every means in my humble sphere which, consistently with our honor and interest, can be used to avert war, which I should consider a great calamity; but if, in the judgment of the constituted authorities, it must come, let my individual opinion be what it may, I will go with my country, and use all its energies against any enemy whatever.

But if our relations are to be changed from peace to war, (which God forbid,) I look to our constitutional leader, the Chief Magistrate, to communicate such facts as may be in his power, and to recommend such measures as he may deem expedient. This the nation has a right to expect, Congress has a right to expect, and it is a responsibility which I have no doubt the Executive will fearlessly assume.

Gentlemen are not correct when they argue that Congress will become the mere tool of the Executive if they require communications and recommendations from the President. He is to make his communications of facts and his recommendations of measures; then Congress, from these materials and such others as are within its power, is to form its own judgment in relation to what the interest of the country requires, and will either adopt the measure recommended, or disregard it, and resort to such other as may be deemed preferable.

For the present, gentlemen who think this resolution necessary, I hope, will revise and so word it that those who vote for it may know the extent of the pledge they give, and that the country may understand it likewise.

The information sought by the four remaining resolutions may be useful, and I hope they will not meet with any opposition.

Mr. President, I did not rise solely for the purpose of expressing my opinion upon these resolutions. The honorable Senator who moved them made their discussion the occasion of stating that our country was at present naked and defenceless; that this was well known at home and throughout all Europe; that we were threatened with a war with France, our ancient ally, who had already sent a fleet upon our coast to overawe our deliberations; and that the reason why the country is thus naked and defenceless is because a majority of the Senate voted against an appropriation of three millions of dollars inserted in the fortification bill of the last session, and thus occasioned the loss of the whole bill.

By the way, what has become of this fleet of observation? I have seen that it was ordered to rendezvous at Brest; but whether it, or the governor spoken of, has reached the West Indies, or our coast, I have not seen. Suppose it to have arrived; may it not be that the object is not to overawe our deliberations, but to protect the interest of France against any attack that may be made on her commerce? Overawe Congress! France, I hope, knows the character of our people better. If she does not, I feel very sure no member of either House will disgrace his station by giving any vote which can derogate from the character of those he represents.

I am one of those who voted against that appropriation, and against whom the charge is made. Against this accusation I might well plead a former acquittal, by the only tribunal competent to try me. This accusation was made in my own State; those to whom only I am accountable for my conduct here have passed upon it, and their unanimous verdict of acquittal I presented the other day, and it now remains on the files of the Senate. But I scorn to rely on that plea. I have a right to a separate trial, to plead not guilty, and to give the special matter in evidence.

I do not feel that I, or any of those with whom I voted, are answerable for the loss of that bill. The vote I then gave was the result of my best judgment. I then approved of it, have done so ever since, and probably ever shall, so long as I am capable of reflecting on the affairs of this world.

It will be no part of my plan to attach censure to any one for his vote; all may have been governed by motives as worthy as I feel my own were. The time will soon come when we must all appear before that tribunal where there can be no mistake either in the evidence or the judgment which ought to be pronounced. To that tribunal, then, where my motives and conduct must be submitted, I cheerfully leave the decision of the motives of all others; but it is due to the country, and to myself, that I shake from my own skirts that blame which others seek to attach to me.

A few very plain views of this matter will, I think, satisfy every honest mind that the Senate are in no fault whatever.

The bill was originated in the House of Representatives, passed that body in the month of January, and was sent to the Senate. It then contained the whole sum esteemed by the Executive and the House necessary for fortifications and ordnance. This sum amounted to about $439,000. The Senate might have given its consent to the bill without any alteration. If it had done so, there would have been a grant of the sum just mentioned, and no more, to these objects.

The Senate, from the best information it possessed, believed the defence of the country required much larger appropriations, and, as it had a right to do, increased some of the items of appropriation, and added others, to the amount of about $430,000, thus increasing the grant from $439,000 to $869,000, and on the 24th day of February returned the bill to the House, for the purpose of ascertaining whether the Representatives would agree to the increased grant made by the Senate. If the House had simply agreed to these amendments, the bill would have become a law, and there would have been an appropriation for fortifications, &c., equal to $869,000. The House did not do this, but retained the bill from the 24th of February till 8 o'clock in the night of the 3d of March, and then returned it to the Senate with a new section, as an amendment to the amendment of the Senate.

This new section has been read so often that every member, I presume, has it by memory. It is in these words: "That the sum of $3,000,000 be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: Provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

For one, I declare, when this new section was read, I was as much surprised as I could have been if it had been dropped through the sky-light above our heads into the bill. The chairman of the Committee on Finance moved that the Senate disagree to the amendment, and after some discussion, in which I took no part, the vote was taken, and stood twenty-nine to nineteen, mine among those in the affirmative.

At this time I knew not who had proposed this amendment in the House. The President had not asked, as far as I knew, for any such appropriation; there was no estimate sent from any Department on which to found it. My belief was the President did not wish it. I supposed it had been offered by some member opposed to the administration, who wished a free disbursement of money about our seaport towns, not caring what embarrassment was occasioned by such a loose appropriation; and that, in the hurry and confusion of a night session, it had been permitted to pass without any particular examination; and fancied that, so soon as their attention was particularly called to it, the House would recede from it, and the bill be passed as originally sent from the Senate.

In these conjectures I soon found I had been mistaken; for presently the bill was returned to the Senate, with a message stating that the House insisted on the amendment. A motion was made that the Senate adhere to its disagreement. Before voting on that question I took the liberty of stating, very briefly, the reasons upon which my first was given, and upon which the second would be founded.

The President had sent no message asking such an appropriation; no estimates had been sent on which to found it. I believed it would have been the duty of the Executive to have sent such a message and estimates, and I farther believed he would faithfully discharge his duty, and therefore concluded he did not think the interest of the country required this additional grant. Besides this, the question was then pending and undecided before the French Chamber relative to the appropriation to comply with their treaty. I believed the strong probability was that it would pass, either then or at the next session; and that, with a little patience and good sense, we should receive the money without any warlike preparation. This was not only my own opinion, but the declared opinion of all with whom I had conversed.

I was what I professed to be, and ever had been—a friend to the administration; I had received no information that the President desired the appropriation, and I saw the section was so worded as to throw upon him a responsibility which he ought not to bear. The proviso left it discretionary with him whether the money should be used or not. I thought all the interest of the army, the navy, the large cities, and those who had ordnance to dispose of, would be brought to bear on him, to induce him to use the money. If he did order it to be used, and there should be no war, as I hoped and believed would be the case, he would be censured for wasting this large sum. If he resisted all importunities, and did not use the money, and war did come, he would be censured for not providing for the defences of the country.

Again: Suppose the money to be drawn, what was to be done with it? How much to the army, to the navy, to fortifications, and to ordnance? The section does not say; all is indefinite, vague, loose, and left to executive discretion.

These reasons were satisfactory to my own mind; I voted upon them. From the time the three millions was first mentioned in the Senate until we adjourned, I did not converse, as I believe, with a single member of the House upon this or any other subject; nor did I converse with any member of the Senate except my colleague, who joined me in the lobby behind the colonnade after our last vote. He was kind enough to speak favorably of my humble effort, and to express his regret that I had not made my argument before the first vote; but neither he nor any other member of either House ever intimated that the President wished such an appropriation.

I sincerely believed he did not; but in that it seems I was mistaken, and the first notice I had of my mistake was in his answer to a company of gentlemen in New York, who, after the rise of Congress, made him a tender of their services to defend the country. Whether I would have voted for the amendment in this loose shape, if I had known it comported with the views of the President, I do not pretend to say. I think I ought not, but am willing to state, because such is the truth, that if, upon reviewing my whole votes since honored with a seat in this chamber, any votes could be found which I would wish had not been given, the error is more attributable to my unbounded confidence in the Executive, and anxious desire to maintain him as far as I conscientiously could, than to any other cause whatever.

But it has been urged by the honorable Senator from New Hampshire [Mr. HUBBARD] that, on the 28th February, the chairman of the Committee on Foreign Relations of the House had given notice that when this bill should be taken up he would move an amendment appropriating one million of dollars for fortifications, and two millions for the navy; and that this accorded with the views of the Executive; and the gentleman adds, the members of the House no doubt made this the subject of conversation, and that Senators would probably secure the information; and, also, that in the Globe newspaper of 2d of March this notice is published, and has passed into the history of the country.

To all this I answer, that I did not hear of this notice. If any members with whom I associated heard of it, they never mentioned it in my presence. So far from it, one of my colleagues of the other House, probably as attentive as any member there, assures me he did not hear any such notice; and, when the amendment was under consideration, he had a curiosity to know whether the President desired the appropriation or not; that he conversed with a colleague sitting near him, and, neither of them knowing, he asked another of his colleagues, then chairman of the Committee of Ways and Means, who told him the President did wish it, and added that he must say nothing about it. He did say nothing about it till since this discussion commenced during the present session. With the motives for this request to conceal I am not acquainted, therefore can say nothing.

The other source of information (the Globe) I did not apply to; I never read it till since I heard the gentleman's argument. If I had wished to read the newspaper for information, I had no leisure; my place was here, my duty here, and I had quite as much as I could attend to, without reading the Globe. If I had wished information to guide my judgment, and felt bound to look into newspapers for facts, the Globe is the last place upon earth I should look into for the truth.

Again: If I had seen this notice, I am yet to learn that the President has any member of this House to act as his substitute, and to give that information to the Senate which we have a right, by the constitution, to receive from the Chief Magistrate himself.

Lastly: If I had seen that notice, I would not have supposed this section was intended by it. The notice was specific; one million for fortifications, and two millions for the navy. The amendment is for every thing relating to either sea or land, in a general mass, for the Executive to divide out, as well as he could, according to his discretion.

If the amendment had pursued the notice, it would have been well expressed; but, in the shape presented in the bill, I doubt whether the combined talents of the members of both Houses can frame a section on such subjects, more loose, more general, and more indefinite, than it is.

It has been insisted by the Senator from New Hampshire that this section did make a specific appropriation of this three millions of dollars, and was justified by precedents in the days of General Washington, President Jefferson, and of President Madison.

By the term specific appropriation, I understand that we mean the direction of the law to apply a given sum of money to the accomplishment of a particular object, in exclusion of all others.

If this idea be correct, this section has no claims whatever to the appellation of specific. The object of it was to place every thing at the discretion of the Executive. 1st. Whether the money should be used at all. 2d. If used, to apply it to any object he pleased, connected with the land or naval service, or defence.

The precedents referred to do not bear out the arguments. The first is an appropriation of $116,000 to pay the civil list. Here the sum must all be applied to the discharge of the civil list, and nothing else.

The next is $70,500 for fortifications. Although it is not said what sum should be applied to this or that fortification, yet the whole must be applied to fortifications, and to no other object. The third and last precedent rests on the same principles.

In the case now under consideration every thing is vague, indefinite, and left to executive discretion, and all this without any communication from the President, or any estimate whatever. I venture another remark, founded on what I heard said by a gentleman of much experience, not now among us, that during the period of a popular administration was the very time we must expect bad precedents to be set.

The precedents, incautiously set, when we have unbounded confidence in the Executive, are sure to be relied on, in aftertimes, by those who may wish to use power without regard to the public welfare.

This section, if adopted, would in aftertimes have furnished a precedent, by which any grant of the public money might be made, to be used at executive discretion.

I now put it to gentlemen with whom, on former occasions, I had generally acted, to say whether, if such a grant had been proposed during the late administration, a single man of them would have voted for it? No. It would have been said this money would be drawn and used, not for the public interest, but in jobs, to control and regulate public opinion.

Upon this matter, for one, I am perfectly satisfied that I, and those who voted with me, were right in not agreeing to this amendment: but the matter did not end with the vote of the Senate; the bill did not necessarily fall thereby. Let us pursue the subject, and see when, how, and where, the bill was finally lost.

The Senate returned the bill to the House, accompanied by a message, informing them that the Senate adhered to their disagreement to the amendment as to these three millions. Upon receiving this message, it was competent to the House to have receded from their amendment, and then the bill would have passed, appropriating the $869,000 proposed by the Senate; but, instead of that, they took a vote, and determined they would not recede. (House Journal, p. 518.) After this (Journal, p. 519) a motion was made that the House do ask a conference on the disagreeing votes. This motion was agreed to, and a committee of three appointed, and a message sent to the Senate, asking it to appoint a committee to confer on the subject. (This message is found in the Senate Journal, p. 236.) As soon as it was received, the Senate agreed to the conference, and appointed a committee on their part. (Journal, p. 237.) In the course of a short time the committee on the part of the Senate returned, and reported that the conferees had agreed to recommend to their respective Houses, as a substitute for the $3,000,000, an appropriation of three hundred thousand dollars for arming the fortifications, and an additional appropriation of five hundred thousand dollars for the repair and equipment of ships of war. (Senate Journal, p. 237.)

If each House had agreed to this report, then there would have been the appropriation of $869,000 contained in the bill as sent from the Senate, and an addition of $800,000, making, in all, instead of $439,000, which the Executive had asked, $1,669,000. Here the question recurs, whose fault is it that this was not done? Unquestionably not that of the Senate. Its conferees had acted promptly, and promptly made their report. The Senate could go no further; it could take no vote, as the bill and other papers had been carried to the House by the conferees on the part of the House. This was entirely wrong. When the conference ended, it was the duty of the conferees on the part of the House to have delivered the bill and papers to the conferees on the part of the Senate, who would have presented them when they made their report; the Senate could then have sanctioned the report by a vote which I have no doubt would have been unanimous, immediately sent the bill to the House, which could have given its sanction, and the bill become a law. Instead of this, the House conferees kept the bill and papers, and, by so doing, defeated the whole bill.

The rule upon this subject is so perfectly plain it cannot be mistaken. It is this: in all cases where a conference is asked before a vote of disagreement, the conferees of the House asking the conference, when it is over, must take the papers back with them, because their House is entitled to the next vote: but in every case where a conference is asked after a vote of disagreement, then, when the conference is over, the conferees of the House asking the conference must deliver over the bill and papers to the conferees of the other House, because that other House is entitled to the next vote.

In this case the Senate had voted to adhere to their disagreement to the amendment. The House had, after this, voted that they would not recede, and then proposed the conference; therefore, as the House had given the last vote, the Senate was entitled to the next; and, to enable them to give it, it was the duty of the conferees of the House to have given the papers to the conferees of the Senate, and, if they would not receive them, they might have been left in the committee room.

This doctrine, so reasonable in itself, is laid down in Jefferson's Manual at 187, title Conference, in language too plain to be misunderstood, and it has been practised on by Congress in the cases with which I am acquainted. (See the case of the bill for the relief of Mr. Monroe, in Senate Journal, p. 374, of the session 1825 and 1826; and House Journal of the same session, pages 616 and 628.)

Let it not be supposed that the conferees of the two Houses were equally to blame for permitting the papers to remain with the conferees not entitled to them after the conference ended, because the conferees of the Senate did not know, and had no means of knowing, that the House had voted not to recede after the Senate had voted to adhere. Strange as the fact may seem, the truth is that the House, in its message to the Senate proposing the conference, omitted to state the fact that a vote not to recede had been taken after the House last received the bill. (See the message, Senate Journal, page 236.)

The conferees on the part of the House knew the fact, because their journal shows they were present and voted. (See the House Journal, pages 518, 519.)

The conferees of the House, having improperly taken the bill and papers, and thereby put it out of the power of the Senate to take any step whatever, are answerable for all the consequences.

I do not state this omission in the message by way of censure on the Clerk for any intentional wrong. All these matters relative to this bill took place in the night, in the confusion which occurred at the end of the session; and it is very seldom that the most temperate and prudent are as well qualified to do business, or have their wits as well about them, after a comfortable dinner, as they have in the early part of the day.

Mr. President, let us now see what the conferees of the House did with these papers, after taking them from the conference room. They returned to the House, and the chairman made no report whatever; the Senate waited from one or two hours, and, being able to hear nothing, sent a message respectfully calling the attention of the House to this subject. (See the House Journal, p. 530.) Then the chairman stated that the committee had returned at the time a vote was taken on a resolution providing for the payment of Mr. Letcher, by which it was ascertained there was not a quorum, and that the constitutional term had expired, and that for these reasons he had declined making a report. Mr. Lewis, another member of the committee, then took the papers and made the report, which was never acted on, and thus the matter ended.

The first reason assigned for not having made the report was the want of a quorum: this, it is said, was ascertained by the vote on the resolution just mentioned. The chairman ought to have put the House in possession of the report, as he found the House in session. Had he done so, no doubt it would have been acted on. The journal shows that much business was done afterwards, and a resolution reported by Mr. William Cost Johnson was adopted by the House. (See House Journal, from page 524 to 530.)

Now, if there was a quorum to do other business, to adopt other resolutions, how is it that there was not a quorum to receive and act on this report?

The remaining reason assigned is, that the constitutional term for which the members were elected had expired. In other words, it was after 12 o'clock the night of the 3d of March.

How can this be? There must have been some mistake on this point. If it was not too late to do the other business I have mentioned, how did it happen to be too late to make this report?

Again: The most certain information we have as to time is derived from the statement of the honorable Senator from Virginia. He tells us he looked at his watch when the conferees left the Senate chamber, and it then wanted fifteen minutes of eleven. When they returned and made their report, he was not in, but returned shortly afterwards, and it was then twenty minutes after eleven. We may, therefore, suppose the conferees had returned about one quarter of an hour after eleven, leaving three quarters of an hour to have disposed of this bill before the hour of twelve o'clock arrived. There was, therefore, ample time, if the report had been made, to have disposed of this before our constitutional term expired, according to the strictest construction.

Mr. President, this is the eleventh session I have been here, and until last session I never knew of an important measure having failed because 12 o'clock had arrived. So far as I know, the universal course has been, if the business necessary to be done could not be finished before 12 o'clock, to go on and accomplish it, if it took till daylight. I well remember, on one occasion, at a short session, we sat all night, and before I got to my lodging place it was broad daylight.

There always have been some members who had conscientious scruples about sitting after 12 o'clock. I always have and always shall respect men who act on such scruples, although I may differ with them in opinion. For myself, I have never felt any hesitation about voting after 12 o'clock, when the business required it. By the constitution, members of the House are elected for two years, the President and Vice President for four, and the Senators for six. The only difficulty is to ascertain when the term commences. The constitution does not fix it, but authorized the old Congress to do so. That Congress fixed the first Wednesday in March, 1789. That happened to be the 4th day of the month. Now, if we believe the first Congress met in the night at 12 o'clock the third of March, 1789, then our constitutional term will expire in the night at 12 o'clock of the 3d of March every second year, and the terms of the President and Vice President at the same hour every fourth year. But if we suppose Congress did not assemble earlier than 12 o'clock on the 4th of March, 1789, then, in truth, our constitutional two years, &c., do not expire till the same hour on the 4th of March, and we have our constitutional day as it was when light and darkness were first separated, and it was said the evening and the morning should be the first day.

I submit to gentlemen who have these scruples, whether it is not worth while to reflect maturely on this subject. If the term of Congress expires the night of the 3d of March, so must that of President and Vice President. This will always leave an interval of several hours, when we will have no President or Vice President. It appears to me those who framed the constitution did not so intend. It is easy to think of cases which would bear very hard upon such a construction. Suppose, shortly before the expiration of a presidential term, a man to be sentenced to be hanged at a federal court; afterwards it should be ascertained to a certainty that the person was innocent, and a messenger is sent for a pardon, but cannot reach the President till after 12 o'clock on the night of the 3d of March: is the man to be hanged because there is no President until a successor is sworn in? This ought not to be the construction. I apprehend the whole difficulty originates from our perplexing our minds with a legal fiction that there can be no fraction of a day. This, like every other fiction, must yield to fact when justice requires it.

A man sells a tract of land for a full consideration in the morning of the 4th of March, and conveys it. In the afternoon he sells and conveys the same land to another person; both vendees cannot hold; and yet, according to the idea produced by this fiction, both deeds were executed the first minute of the day, and are of equal date; but every man knows that this fiction would yield to fact, and that the first vendee would hold the land. Whether these reflections be altogether accurate or not, they have always satisfied me that I did not act unconscientiously, or assume powers I did not possess, when I voted in the night of the 3d of March, after 12 o'clock.

The honorable member from New Hampshire will perceive that the resolution he has read, which was adopted in the year 1790, does not remove the difficulty. That resolution only says the term expires on the 3d of March; but still the question recurs, when does the 3d of March end, according to the meaning of the constitution? To Senators on all sides I submit whether this crimination and recrimination for past acts or omissions is likely to produce dispositions now to act together harmoniously, and to endeavor to devise and perfect such measures as will most promote the interest and welfare of the country.

Mr. President, in every view I have been enabled to take of this whole subject, it has appeared to me that this bill was lost in the House, not in the Senate; that the Senate were right in the votes which a majority gave as to this sum of three millions. I was satisfied with my votes when I gave them, and am yet satisfied—more, I am proud of them. I feel that the author of my existence will approve of them, and, to use the language of a distinguished man, now no more, "I wish they were recorded in the centre of heaven, in characters as bright as the sun, that the whole world might read them."

When Mr. WHITE had taken his seat,

Mr. GRUNDY said he wished to say a few words as soon as he could hear himself speak. At present, he was willing to yield the floor to any other gentleman desiring to be heard.

Mr. BUCHANAN rose to address the Senate; and, on his motion,

The Senate adjourned.

THURSDAY, JANUARY 28.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. SWIFT presented a petition from citizens of Vermont, praying for the abolition of slavery in the District of Columbia.

On presenting this petition,

Mr. SWIFT rose and said that a portion of his constituents had intrusted to his care a memorial addressed to Congress, praying for the abolition of slavery and the slave trade within the District of Columbia, with instructions to present the same to the Senate; but being unwilling to become in any manner unnecessarily instrumental in promoting or prolonging the excitement prevailing here and elsewhere on this subject, he had been for weeks waiting the final action of the Senate on the motion of the honorable Senator from South Carolina, [Mr. CALHOUN,] that the Senate do not receive the memorial presented by the honorable Senator from Pennsylvania, [Mr. BUCHANAN,] containing the same petitions as the one intrusted to his (Mr. S's) care; and it was his intention, in case the Senate refused to receive that memorial, to withhold from the Senate the one from his constituents; at least, until he should receive further instructions from them on the subject. But as it is now very uncertain (said Mr. S.) when the final action of the Senate will be had on this motion, I do not feel at liberty longer to delay to fulfil the instructions of my constituents, and I am the more inclined not to delay, from the fact that the honorable Senator who presented the memorial now before the Senate moved, at the time of presenting it, its instant rejection; and as I desire that a different course should be adopted by the Senate, I prefer to urge that course with the memorial of my constituents, rather than to interfere with the course proposed by him; for, however the motions of the two honorable Senators may differ in form, they, in my opinion, amount in substance to the same thing; the one denies the right of petition, while the other, though it admits the right, denies the ordinary investigation into the merits of the petition, and refuses to grant what is prayed for. Such right is of little value in the estimation of my constituents.

Sir, as I intend to present this memorial, and ask that it may take the usual course of memorials presented to the Senate, as I believe some Senators on this floor have mistaken the opinions and motives of those who have petitioned Congress on this subject, I desire to say a few words as to the opinions and motives of my constituents. I do not, however, intend to discuss at this time the correctness of these opinions, or to express opinions of my own, for it is not, as I believe, the proper time to discuss either the constitutional power of Congress over the subjects presented by the memorial, or the expediency of exercising that power if they possess it; for, however ingenious arguments may be, (and I have listened to some of great ingenuity,) whether made on this floor or elsewhere, while the ordinary course of legislation is denied to the petitioners, they will not be convincing; and decisions of the Senate, made by the extraordinary course of legislation proposed, will not be satisfactory, but will tend to increase, rather than to allay, excitement, which gentlemen so much deprecate, as injurious to slaveholding States.

Sir, the language used by the memorialists is, I admit, very strong; it is, however, dictated, I have no doubt, by the honest opinions and feelings of the memorialists, and with them it is the language of truth; and though they speak without disguise of the evils of slavery and of the slave trade within this District, yet they say nothing of slavery elsewhere, excepting to enter a disclaimer of any intention or wish to interfere in any manner with slavery in the different States; and there is nothing in the memorial disrespectful to this body. But, as I intend to ask for the reading of the memorial by the Secretary, to give gentlemen an opportunity to make such motion as they think proper in relation to it, I will not detain the Senate by stating the contents. Not only the memorialists, but a very considerable portion, to say the least, of the citizens of the State which I have the honor in part to represent, believe that Congress have power to abolish slavery within the District, and that it is expedient that Congress exercise the power of legislating on the subject, and either abolish slavery immediately, or make provision for its future abolition; or, by some provisions of law, mitigate some of the existing evils of slavery, and especially of the slave trade, within this District. They believe, also, that, by the relationship existing between the several States and this District, that each State is implicated in the evils of slavery, and that the charge that our Government is a slaveholding Government is not without the appearance of foundation. With these opinions, the memorialists respectfully ask the Senate that their memorial may be received, that it may be submitted to the thorough investigation of some standing or select committee of the Senate, and that it may so far receive the attention of such committee as to obtain from it a full, fair, and candid report, which course will greatly tend, in my opinion, to allay the tempest of feeling which exists on this subject. If they are mistaken in their opinions, they desire to be convinced of it, and, when so convinced, they will desist from all further proceedings on the subject; but until convinced that they are wrong, they will continue not only to think, but to speak and act on the subject, and no earthly power can prevent them from doing so.

Sir, let me tell gentlemen that those of my constituents who entertain these opinions are neither incendiaries nor fanatics, unless those who have signed this memorial have, by so doing, rendered themselves obnoxious to such charge, but they are amongst the most intelligent and peaceable citizens. Whether the memorialists do or do not belong to any anti-slavery society I do not know, but I do know that these opinions do not belong exclusively to those who are members of such societies; indeed, many entertain these opinions who are opposed to the measures of those societies. They are men who value too highly the freedom of opinion and of speech to surrender them through fear of any consequences which can affect only themselves. And let me also tell these honorable gentlemen that, while they deprecate the excitement at the North on the subject of slavery, as injurious to their best interests, their course is not the best calculated to allay that excitement; indeed, unless I am much mistaken as to the feelings and temper of the people of the North, their course in relation to these petitions will tend to increase the excitement which they so much deprecate. I now move that the memorial be read by the Secretary, and referred to the Committee for the District of Columbia, and I shall regret to find that, in the opinion of the Senate, the memorialists have used any language unsuitable to the occasion, or that has been dictated by any improper feelings. I must, however, believe that they have not intended to use language any stronger than was necessary to express their opinions of the evils of slavery existing within the District.

Mr. KING, of Alabama, said that, before the reading of the petition, he desired to know of the gentleman who presented it if it was entirely respectful to that body. Parliamentary usage required that, before a gentleman presented a petition or paper of any kind to a deliberative body, he should satisfy himself that it contained nothing disrespectful to those to whom it was addressed.

Mr. CALHOUN desired to know if the language of the petition was respectful to those who had sent them there. He therefore wished to hear the petition read.

[Here the petition was read by the Secretary.]

Mr. C. demanded the preliminary question on receiving the petition. The Senator from Vermont, he said, objected to the calling these petitioners incendiaries, and yet (said Mr. C.) he does not object to the language used by them towards those who sent us here.

Mr. SWIFT had only said that gentlemen could judge of the language of the petition for themselves. The petitioners, he had said, were entirely respectable, were influenced by the purest motives, and believed themselves justified in speaking of evils as they supposed them to exist.

Mr. CALHOUN cared not what their motives were; he cared not whether they acted from ignorance or design; he only judged of the effect. Those persons who presented this petition knew of the existence of the Southern institutions, and yet they spoke of them as unjust, wicked, aed diabolical. Whatever might be the design of these men, the course they were pursuing was calculated to destroy this Union and subvert its institutions. He did not mean to enter into any argument with the gentleman from Vermont, but he demanded the preliminary question, and on it he asked for the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. BUCHANAN was not only willing, but anxious, that the question should be distinctly taken before the Senate of the United States, and as far as it was in his power to put it to rest, he was prepared to go. It would seem that, on one morning, the Senate were to have a dish of Mr. BENTON's resolutions served up, and the next morning the abolition question. He hoped they would dispose of one thing at a time, and would therefore move to lay the question on the table. He made this motion with a view that it might be called up hereafter, when the Senate were prepared to make a final disposition of it.

Mr. **LEIGH** read parts of the petition, from which he inferred that there was a design in the petitioners to act not only upon the rights of the people of the District of Columbia, but upon the rights of the slaveholding States generally, as it argued generally against slaveholders.

Mr. **SWIFT** said it was difficult to find expressions in any memorial to which some exception might not be taken. Let me, said he, illustrate this by calling the attention of gentlemen to another question. Suppose a petition presented there to prohibit the sale of lottery tickets in this District, calling the practice immoral, gambling, &c., would gentlemen consider this language improper, because the sale of lottery tickets was tolerated elsewhere. This case was perfectly similar to the one treated of in the petition he had just presented.

After some additional remarks from Mr. **CALHOUN**,

Mr. **BUCHANAN** moved to lay the question on the table, and it was agreed to.

PUBLIC LANDS.

Mr. **EWING**, from the Committee on Public Lands, moved that the committee be discharged from the further consideration of various memorials and petitions, asking for rights of pre-emption, or grants of land, from Alabama, Indiana, Ohio, Mississippi, and Louisiana.

Mr. **PORTER** said he was greatly surprised at the report just made by the honorable chairman of the Committee on Public Lands, and he could not help thinking that it was done without due consideration. He hoped, on due reflection, they would find reason to change their conclusion. At all events, he could not permit it to pass without opposition; and he was determined to take the sense of the Senate on the adoption of the report. He was aware that objections existed to the grants of land to new States, not so much on the principle, for there seemed to be little discrepancy of opinion on the propriety of making such a grant, but from a difference of opinion as to the mode of giving it. Many of the representatives from the old States were willing to assent to the donations asked for, provided that with them a distribution of the money now in the Treasury, arising from the sales of public lands, could be made according to the principles contained in the bill introduced by the Senator from Kentucky; while others, who were opposed to that bill, wished to have these donations acted on singly, without being coupled with another measure which, in their opinion, endangered their passage. Waiving all observation on this point for the present, he wished to call the attention of the Senate to one of the memorials from the Legislature of Louisiana, which had just been rejected by the Committee on Public Lands. That memorial stated there were obstructions in the Atchafalaya river, which were being removed by the labor and at the expense of the State of Louisiana, and asked for a donation of land proportioned to the advantages accruing to the United States, in consequence of the improvements so made. Sir, (said Mr. P.,) this request of the State I represent here asks for no favor from the general Government. It demands a matter of strict justice. The consequence of the obstruction heretofore existing in that river was an impediment to the free course of the water, which caused it to overflow the circumjacent country, and render of no value some of the richest and finest land in the State or the world.

The United States are the owners of nearly all the soil on the banks of this river, and their property would be increased in value one hundred fold by the measures which the State of Louisiana was pursuing, and the money expended by her. Under such circumstances, was it not a matter of surpassing astonishment that the committee should move to be discharged from all further consideration of the subject? What, sir, (said Mr. P.,) do they propose that their lands shall be brought from no value to an immense importance by our labors, and refuse all participation in the expense of doing so? Are we to understand that, because they think we are obliged to open this river for purposes of navigation, they are ready to profit by our labors, because they are indirectly benefited? Sir, this might be a good plea for an avaricious and selfish man in a court of justice, but it is unworthy a rich and powerful country. It has no justice, it has no equity, in it. Mr. P. said, another opportunity would be afforded him to express his opinions on this subject, and he would not at this time trespass further on the time of the Senate. He did not wish to interrupt the business which was generally expected to come up this morning; his present object was to postpone the consideration of the matter to another day, but, in doing so, he wished to express his strong dissent to the report just made from the chairman of the committee.

After some remarks from Mr. **BENTON** and Mr. **MOORE**, the motion to discharge the committee was laid on the table.

NATIONAL DEFENCE.

The Senate proceeded to the consideration of the special order, being the resolutions submitted by Mr. BENTON.

Mr. **BUCHANAN**, who was entitled to the floor, at the request of Mr. **GRUNDY**, yielded this privilege; and

Mr. **GRUNDY** rose and addressed the Senate as follows:

Mr. President: Notwithstanding the indisposition under which I labor, I hope to be able to make myself understood, although I am aware that the manner in which I shall discharge the duty before me will be less acceptable than that of others, or than it could be performed even by myself, under more favorable circumstances. When I moved the modification of the resolution which my friend from Missouri was kind enough to accept, accompanied by the brief explanation I then made, I did suppose that I could scarcely be misunderstood by any one; but I find I was mistaken, as the resolution is now deemed by some Senators more exceptionable than it was in its original form; it therefore becomes necessary and proper that I should explain, more fully and at large, my views and objects.

That the United States are exposed, and in too great a degree defenceless, is admitted by every intelligent man. On this account the country suffered much in the late war with Great Britain. Our large cities on the seaboard were constantly exposed to the approaches of the enemy, and this city became the theatre of their actions. Even this Capitol, containing the sacred halls of the legislation of freemen, was burnt and destroyed. Since that time, our means of defence have not been so improved as to prevent similar occurrences and sufferings in the event of another war with any powerful nation. This condition of things has been heretofore the result of necessity, not of choice. The remainder of the public debt incurred in the revolutionary war, and the whole of the debt occasioned by the last war, had to be paid; and the payments to be made in discharge of them, and the ordinary current expenses of the Government required all the money accruing from every source of revenue.

I therefore cast no blame upon those who have preceded us. There has been no period in the history of the Government, when the proper defences for the country could have been provided without resorting to a system of taxation which would have been oppressive. An unwillingness, very properly felt, to increase the public burdens, combined with a desire to discharge our public engagements with punctuality, accounts for the present defenceless condition of the country. But what is the state of things now? You have, or will shortly have, about thirty millions in the treasury, a large portion of which is not, nor can be, needed for the ordinary purposes of the Government; and you cannot, if you act in good faith, and in fulfilment of the pledge given at the time, and by the passage of the compromise tariff act, so reduce or diminish the revenue as to prevent an accumulation of the surplus.

Gentlemen are constantly engaged in devising ways and means to dispose of this surplus money; for none of us are willing that it shall remain in the public treasury unexpended. The Senator from South Carolina [Mr. CALHOUN] proposes an amendment of the constitution, to enable Congress to make a disposition of it, while the Senator from Kentucky [Mr. CLAY] makes a proposition to divide, by an act of Congress, a considerable portion of it, which has arisen or may arise from the the sale of the public lands, among the several States. My opinion is, that we should first discharge our own duties, by fulfilling all the trusts committed to us, with the means which the constitution and laws have placed in our hands, before we go abroad in search of objects of munificence or bounty. To protect and defend the States was one of the great objects which led to the formation of the constitution; not to provide for their proper defence, when the means are within our hands, is to fail in the performance of one of the highest trusts confided to the federal Government; and we are left without excuse if we squander or give away the money, for purposes respecting which there is no constitutional obligation upon us, and thereby disable ourselves from defending the country against its enemies. What, then, is our duty? My answer is, prepare the country, whether there is to be peace or war; so, if war shall come, the pride of our citizens may not again be humbled, by witnessing the scenes of the late war.

My object in offering the proposition to amend or modify the original resolution was, and now is, to set apart from all other uses so much of the surplus revenue which has accrued or may accrue, as will be sufficient to provide the proper defences of the country, and to enable Congress to form a proper estimate of how much should be set apart for this purpose; the other resolutions ask information of the proper departments, what sums of money will be necessary for the different objects specified. When an answer shall be received from the Executive, then Congress can decide whether it will adopt the scheme proposed by that department, or whether it will increase or diminish the means of defence recommended. In this way we shall act understandingly. We can, after the information is obtained, determine what we ought to do. We shall then know the probable amount of the cost, and set apart a sum of money out of the present and accruing surplus sufficient to accomplish the objects contemplated, whatever they may be. It certainly was not, and is not, my intention that this great work of fortifying and defending the country should progress in the tardy manner heretofore pursued, but as rapidly as labor and materials can be procured.

I have stated that the want of money was the reason why this subject had not heretofore been effectually attended to. We now have the money; it has accumulated, and is still accumulating, upon our hands, and we cannot prevent it. We are driven, by a kind of necessity or destiny, to the discharge of the high duty of preparing to protect and defend our country against every enemy who may approach our shores. I am solicitous that these defences should be made or provided out of that surplus revenue which you cannot materially reduce or diminish, and before the period arrives when your revenue, under the operation of the tariff compromise act, may not be more than sufficient to defray the ordinary expenditures of the Government. If the surplus, of which I have spoken, be applied to other objects, for which Congress is under no constitutional obligation to provide, the consequence will be, that the people must be taxed in order to raise the money necessary to protect the country.

Having made this explanation of my views in reference to the resolutions on your table, I will now proceed to the investigation of other topics which have been introduced into this debate. I have no accusations to make against any one. I am too imperfect myself, and I know it, to assume the station of a censor of the conduct of others; but gentlemen should recollect, while they are denouncing, in no measured terms, the proposed appropriation of three millions at the last session, that some of us voted for it; and we have the same motives and the same influences which operate on them to vindicate ourselves from the charge, indirectly made, to be sure, of being infractors or violators of the constitution, and of having voted for a measure, for which they would not have voted even to save the Capitol from the enemies of the country. These are hard sayings, and, when their application falls on us, merit a serious examination. In making this examination, I shall exhibit facts and arguments in support of the course adopted by the minority of this body; and this will fill up the whole circle of my duties here. I shall not assume upon myself the right of judging and condemning others—that belongs to another forum, the great tribunal of public opinion, by whose decision I am willing in this, as in all other cases, to abide. I ask, what part of the constitution of the United States would have been violated by this appropriation of three millions? None, according to my reading and understanding of that instrument. It provides that "no money shall be drawn from the treasury but in consequence of appropriations made by law." The manner of making the appropriation is left to Congress. How far they shall be general or specific is to be determined by the House of Representatives and Senate, at the time they are passing acts making the appropriations. The right to appropriate money for constitutional purposes or objects being given to Congress, and that instrument (I mean the constitution) being silent as to the mode or manner of making the appropriation, it follows that the department of the Government to which is confided the right to appropriate must exercise its discretion and judgment as to the mode or manner of making them; and whether the mode be as general as that practised under the first two administrations, or as specific as the practice recommended and introduced by Mr. Jefferson, in neither case is the constitution violated. To secure a rightful application of the public money, and a strict accountability in the officers disbursing it, were the motives which induced Mr. Jefferson to recommend that specific appropriations should be made. This was wise and salutary, and gave rise to the practice that now generally prevails.

I now proceed to show that a greater latitude of discretion was vested in General Washington, by the act of the 20th of March, 1794, than was proposed by this three million appropriation. That act provides "that a sum of one million of dollars, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any moneys which may be in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who is hereby authorized to borrow the whole or any part of said sum of one million of dollars, an account of the expenditure whereof, as soon as may be, shall be laid before Congress."

Here one million of dollars was placed entirely at the discretion and "under the direction of the President of the United States;" and I would ask gentlemen for what specific object or purpose was this appropriation made? The act declares that it is "to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations." All the nations of the earth, civilized and savage, are laid open to the President as a theatre for his operations. There is no limitation or restriction imposed upon his discretion. He was to select the nations with whom the intercourse was to take place, and the purposes and mode of expenditure. All this discretionary power was vested in the President by the Congress of 1794, and sanctioned by General Washington himself by his approval of the act. I am aware that it may be said that more discretion must be confided to the Chief Magistrate, in his intercourse with foreign nations, than is proper in our domestic concerns. This is true in most cases in point of policy and expediency; but the constitution makes no difference. I therefore feel authorized in saying that the proposed three million appropriation would not have been unconstitutional, unless the Congress of 1794 and General Washington violated the constitution in the passage of the act containing the appropriation I have read.

In 1806, during the administration of Mr. Jefferson, who has been justly styled the great apostle of civil liberty, an act passed, and received his sanction, conferring on him greater and broader discretionary powers than were contained in the proposition for the three million appropriation. The act of 1806 provides "that a sum of two millions of dollars be, and the same is hereby, appropriated towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account to be laid before Congress as soon as may be."

It should be recollected that our intercourse with foreign nations is carried on by the executive branch of the Government, and by this act two millions of dollars are placed in the hands of Mr. Jefferson, then President of the United States, to cover any extraordinary expenses which he might, in the exercise of his discretion, create in our intercourse, not with any particular nation or nations designated by Congress, but with the whole world; and this sum of two millions is placed in the hands of the Executive, over and above the sum required for the ordinary and established intercourse then existing between the United States and foreign nations. Let us compare the proposed appropriation of three millions with the act I have just read.

The proposed appropriation reads as follows: "that the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications, ordnance, and increase of the navy; provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

The appropriation made by the act of 1806 was absolute and unconditional. The proposed appropriation of three millions of dollars was conditional, and to depend upon the happening of the contingency that "the expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress." In that event, and in no other, could the President of the United States have used one dollar of the money. The necessity contemplated by the proviso could only have arisen upon France committing acts of hostility, or assuming such an attitude as must, in the opinion of the President, have inevitably led to war. By the act of 1806, there is nothing definite or specific. By the proposed appropriation, the objects upon which the money was to be expended are enumerated and specified. By an act of April, 1806, Mr. Jefferson was authorized to exercise, without specification of object, an unlimited control over one hundred thousand militia of the United States, and two millions of dollars. The first section of that act declares "that the President of the United States be, and he is hereby, authorized, at such time as he may deem necessary, to require of the Executives of the serveral States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march in a moment's warning, their respective proportions of one hundred thousand militia, officers to be included; to be apportioned by the President of the United States, by the militia returns of last year, in cases where such returns were made; and, in cases where such returns were not made the last year, by such other date as he shall judge equitable." The fifth section provides "that the President of the United States be, and he is hereby, authorized to call into active service any part or the whole of the said detachment, when he shall judge the exigencies of the United States require it. If a part of the said detachment only shall be called into active service, they shall be taken from such part thereof as the President, in his discretion, shall deem most proper."

The sixth section is, "That two millions of dollars be, and are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the pay and subsistence of such part of said detachment as may be called into service." By this act a hundred thousand militia are to be raised at the discretion of the President, and two millions of dollars are appropriated for their pay and subsistence, and this is all to be done when he shall judge the exigencies of the United States require it. This act expired, by its own limitation, at the end of two years, and was re-enacted on the 30th of March, 1808.

Having shown satisfactorily, as I trust, that no violation of the constitution was involved in the proposed appropriation, nor any departure from the legislative usages of the country, and that more discretion has been vested in former Presidents of the United States, the next inquiry is, did such a state of things exist as to justify the appropriation?

The French Government owed a debt of $5,000,000 to citizens of the United States, which by solemn treaty it had stipulated to pay. It had paid no part of it. This Government had promptly and in good faith performed every stipulation on its part, and still delay and procrastination were practiced by the French Government. A majority in the Chamber of Deputies had at a preceding session actually rejected an appropriation of the money. The Senate of the United States had resolved that no legislative measure should be adopted at the last session; but the Committee on Foreign Relations, who recommended the adoption of the resolution, in their report fully concur with the President of the United States when he remarks, in his message, that "the idea of acquiescing in the refusal of the execution of the treaty will not, for a moment, be entertained by any branch of the American Government. The United States can never abandon the pursuit of claims founded on the most aggravated wrongs."

The House of Representatives had adopted a resolution declaring that the fulfilment of the treaty would be insisted on. The French Government had recalled its minister; and the President of the United States had directed our minister to return to this country, in case the appropriation was not made by the Chamber of Deputies at its then session.

By his message to Congress of the 26th of February he communicated all the facts within his knowledge, and submitted to them what measures were proper to be adopted, in the following language: "It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation, and return to the United States, if an appropriaton for the fulfilment of the convention shall be refused by the Chambers. The subject being now in all its present aspects before Congress, whose right it is to decide what measures ought to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires." From the message, it is evident that the President wished and expected Congress would adopt such measures as it might deem proper, to meet any contingency which might occur. To place the country in a position to defend itself would have been a measure of prudence, and at the same time could have given no cause of umbrage whatever to France. Had the President, by his message, recommended these preparations, and assigned to Congress, as a reason for so doing, the probability of a rupture or hostilities, the sensibilities of that Government would have been more excited than they were by his annual communication. In this posture of affairs, was it not reasonable to entertain apprehensions that France might adopt measures which would require this country to defend itself? In that view of the subject, the three million appropriation should have been made; and the supposition is not unreasonable that the repeated denunciations which we had heard against executive power and patronage, combined with that distrust which some gentlemen entertained in the present Chief Magistrate, contributed mainly to its defeat, although gentlemen might not have been conscious of the influences operating upon them. It is true that, in general, appropriations for the defence of the country should be specific, and founded on estimates previously made by the executive departments of the Government. It is impossible that members of Congress can so well understand the various provisions that should be made for the defence of the country as that branch of the Government which has the subject of our national defence under its particular care and management; but in this case there was no opportunity, after our relations with France were fully understood, to make the necessary estimates, and submit them to the consideration of Congress; and therefore it was that the appropriation of three millions was proposed, and the President was left to exercise his judgment how much of the $3,000,000 was to be applied to each of the different objects specified. There was no other practicable way by which additional means could be provided to defend the country, in the event of the approach of danger. When it is recollected that Congress was about to adjourn, by the termination of its constitutional existence, and that it could not be convened at an early day, by reason of the election of members for the new Congress in many of the States not having taken place, it seems to me quite reasonable that some means of defence should have been placed in the hands of the Executive, to be used in case it became necessary.

It should still be remembered that the President had no right to use one dollar of this three millions, unless "the expenditure should be rendered necessary for the defence of the country prior to the next meeting of Congress."

I will now say a few words upon the loss of the ordinary appropriation bill at the last session. I will take it for granted, until conclusive evidence shall fasten upon my mind a contrary conviction, that no committee, no member of either House, acted unworthy of his station, or used any unfair or disreputable means to defeat the passage of that bill. The remark of the gentleman from Massachusetts, [Mr. Webster,] that its bones are to be searched for in the other House, is true to the letter; but that is not the material inquiry. Where was the fatal blow; where was the mortal wound inflicted? If it were inflicted in this body it is of no consequence that the bill was carried to the other House, and there lingered for a short time, and died in the place of its nativity and origin. But even if the mortal wound were received in this body, and it was inflicted in defence of the constitution, all men, both here and elsewhere, would pronounce the act justifiable. Let us now examine how this bill was lost. I insist its loss is wholly attributable to the disagreement which grew up between the two Houses upon the subject of the three million appropriation. But for the disagreement between the two Houses upon that subject, the bill would have passed both Houses of Congress, and have become the law of the land. If the Senate had not rejected the three millions, no difficulty would have occurred. The House had passed the appropriation bill, and it came to this body. The Senate concurred in all the House had done, and inserted by way of amendments additional appropriations. The bill was then returned to the House, and it agreed to all the amendments of the Senate, and ingrafted upon them the appropriation of three millions. Each House had agreed to every appropriation contained in the bill, except the amendment made by the House proposing the appropriation for the three millions. To this the Senate disagreed, and the loss of the bill cannot rightfully be imputed to any other cause than the difference of opinion which existed between the two Houses upon this subject. Gentlemen may argue as long as they please; they may give lengthy historical accounts of the progress of the bill through committees and the two Houses; they may labor to fix the blame where they may, and it at last resolves itself into this, that the House of Representatives wanted the appropriation of three millions; the Senate would not agree to it; and on that account, and that only, the fortification bill failed. It has been objected that the President had not asked, by a message, for this appropriation. Can Congress do nothing for the defence of the country, when all the facts are before them, without being stimulated by a message from the Chief Magistrate? If he had sent a message recommending the appropriation, would he not have been charged with dictating to Congress the measures they should adopt? Now, when he has placed all the facts in relation to our intercourse with France before Congress, and leaves the whole matter to them, with a confident reliance that, "on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires," it is said he has been guilty of an omission of duty.

A serious question seems now to be made, as to what time Congress constitutionally terminates. Until lately, I have not heard it seriously urged that twelve o'clock, on the 3d of March, at night, was not the true period. It is now insisted, however, that twelve o'clock on the 4th of March is the true time; and the argument in support of this is, that the first Congress met at twelve o'clock, on the 4th of March. This is not placing the question on the true ground; it is not when the Congress did meet, or when the President was qualified by taking the oath of office, but when did they have the constitutional right to meet? This certainly was, and is, in all future cases, on the 4th of March; and if the day commence, according to the universal acceptation and understanding of the country, at the first moment after twelve o'clock at night on the 3d of March, the constitutional right or power of the new Congress commences at that time, and if called by the Chief Magistrate to meet at that time, they might then qualify and open their session. There would be no use in arguing away the common understanding of the country, and it would seem as reasonable to maintain that the 4th of March ended when the first Congress adjourned, as it is to say that it began when they met. From twelve o'clock at night until twelve o'clock at night is the mode of computing a day by the people of the United States, and I do not feel authorized to establish a different mode of computation for Congress. At what hour does Christmas commence? When does the first day of the year, or the first of January, commence? Is it at midnight or at noon? If the first day of a year or month begins and ends at midnight, does not every other day? Congress has always acted upon the impression that the 3d of March ended at midnight; hence that setting back of clocks which we have witnessed on the 3d of March at the termination of the short session.

In using this argument, I do not wish to be understood as censuring those who have transacted the public business here after twelve o'clock on the 3d of March. From this error, if it be one, I claim no exemption. With a single exception, I believe, I have always remained until the final adjournment of both Houses. As to the President of the United States, he remained until after one o'clock on the 4th of March. This was making a full and fair allowance for the difference that might exist in different instruments for keeping time; and he then retired from his chamber in the Capitol. The fortification bill never passed Congress; it never was offered to him for his signature; he, therefore, can be in no fault. It was argued that many acts of Congress passed on the 4th of March, at the short session, are in our statute books, and that these acts are valid and binding. It should be remembered that they all bear date on the 3d of March; and so high is the authenticity of our records, that, according to the rules of evidence, no testimony can be received to contradict any thing which appears upon the face of our acts.

Mr. President, I now propose to say something of our present condition, in reference to our relations with France, and what are the prospects before us. For the last three years France has enjoyed the reduction of duties stipulated for in the treaty of the 4th of July, 1831. By this reduction she had gained or saved for her citizens upwards of three millions of dollars prior to the end of the year 1834, which, but for the treaty, would now be in the treasury of the United States. By this time she will have saved altogether five millions. She has obtained and enjoyed all these benefits, and still fails and refuses to pay one cent of the five millions stipulated to be paid on her part; and what is the plea or argument she employs in justification of her conduct? She pleads a supposed insult as a set-off to a just debt—a debt acknowledged to be just in a treaty made by the executive branch of that Government, and signed by the King's own hand—a debt acknowledged to be just by the Chamber of Deputies, after a full examination made by that body into the claims of our citizens.

If further evidence of the justice of the claims of our citizens upon the French nation were needed, it is furnished by the records of the American board of commissioners, who were appointed by this Government, in pursuance of the treaty, to ascertain them. By the adjudications of that board, it appears that claims to the amount of upwards of nine millions of dollars have been established; so that but little more than one half of the principal, without interest, would have been received by these claimants, had the French nation complied strictly with its engagements: add to this that many of the claimants must have failed to establish their claims, from the unavoidable loss of testimony in the course of thirty years. I cannot perceive how any difficulty could ever have arisen, or any serious question have been made, among those who had a full opportunity of examining the subject, as to the justice of the claims of our citizens to the extent of five millions of dollars.

But the French Government is not content with having heretofore withheld the payment of less than one half of our just claims; they refuse to pay any portion of it hereafter, unless our Government shall comply with a new and degrading condition prescribed by themselves; in the language of the Duke de Broglie, they will pay the money only "when the Government of the United States is ready to declare to us, (the French Government,) by addressing its claim to us officially, and in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on mistake, and that it never entered its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France."

Upon this branch of the subject I hope there can be no diversity of opinion amongst us; I hope there is no heart beating in an American bosom that is willing that this country shall be thus degraded. The French Minister of Foreign Affairs here prescribes to the Government of the United States, not only the mode and manner, but the very language which is to be employed by this Government. He says, in the first place, that the apology required is to be addressed to the French Government officially, and it must be in writing, and of course signed by the President of the United States, or Secretary of State, and then follows the very terms and language which are to be used by the Government of the United States in this act of humiliation. And why is this to be done? To procure the payment of about one half of the amount justly due to our citizens. Sir, the French nation, in the most brilliant days of her late Emperor, could neither purchase, nor by the dread of its arms terrify, either the people or Government of the United States into so disgraceful an act. What is the pretext for this arrogant demand on the part of the French Government? It is that the Chief Magistrate of the United States, in his annual communication to Congress in 1834, gave a history, and a true one, too, of the transactions between France and this Government, which wounded the sensibilities of the French Government. It is not alleged that any misstatement was made in that message, that any expression or word was used which was not in strict accordance with the facts of the case, as they really existed. Did not France seize unlawfully the property of our citizens? Had she not confessed it, and acknowledged that she owed us a debt of five millions on that acccount? Had she not promised to pay this debt at certain periods, on the faith and word of her King? Had not some of those periods actually expired, not only without any provision to make payment, but with the positive refusal by her legislative Chambers to make provision? And what did the President say in his message? He stated these facts to the representatives of the people of the United States. Had he done less he would not have fully discharged his duty. France might feel mortified at the idea of being held so strictly to account by our young republic, but she had no right to complain, and much less to ask for an apology or explanation. It was the proper consequence of her neglect to pay her just debt.

But, sir, I forbear to press this view of the subject further. There is another stronger light in which it ought to be considered. The French Government claim the right to interpose and interfere in our domestic consultations. This cannot be permitted so long as we are a sovereign and independent nation, and the present constitution endures. It is the duty of the President to communicate to Congres freely and fully upon all subjects, and more especially in relation to our foreign affairs, which are managed particularly under his guidance and direction. And, should any foreign nation be allowed to interpose between the President and Congress, and control the Chief Magistrate by the apprehension that it might take offence in his making a full and complete declaration of the facts, and his views as connected with them, in reference to such nation?

If ever this should take place, I shall consider the independence of this nation as at an end, and the Government itself of no value. We all know that the present Chief Magistrate is the last man living who will ever dishonor his country by an act of this kind; and I hope, if there be one Senator here who would be willing to see the President of the United States commit so degrading an act, that he will come forward and avow it. I will go further: no man will ever be elected President of these United States who will so far forget the honor of his country and the high duties of his station as to think, for a moment, of doing an act which will not only disgrace him, but a whole nation of freemen. The French Government seem to have forgotten, or not well to have understood, the principles of our Government, or this unreasonable requirement on their part would never have been made, unless, indeed, they intended it as a mode of refusing to execute the treaty. Carry the principle out, and where will it lead us? We have not, by our constitution or frame of Government, given our President the power to declare war or issue letters of marque and reprisal, like the monarchs of Europe. He can only propose and discuss these measures in the first instance. He is not the Government for these purposes, but only a part of it. The Government has never made a declaration or done an act on these subjects; and until some resolution or act has passed the Senate and House of Representatives, and been approved by the President, the interests of no foreign nation can be affected. Each member of Congress is as much a member of the Government in declaring war, and issuing letters of marque and reprisal, as the President, and his single declaration is just as effective. If the principle asserted by France be sound, then may she demand explanations of any thing wounding to her pride which may be said here in debate, and the nation may be held responsible, not for the acts and declarations of its Government, but for the assertions of each individual of which it is constituted. Such a proposition would be monstrous, and can never be permitted in the practice of our Government; and if France persists in her demands, I am unable to say when or how this controversy may end.

In this state of things, what course does wisdom point out? To prepare for the worst that may come is certainly the true course. But it is said by the gentleman from South Carolina, [Mr. CALHOUN,] that, if we arm, we instantly make war: it is war. If this be so, we are placed in a most humiliating situation. Since this controversy commenced, the French nation has armed; they have increased their vessels of war; they have equipped them; they have enlisted or pressed additional seamen into the public service; they have appointed to the command of this large naval force one of their most experienced and renowned naval officers; and this squadron, thus prepared, and for what particular purpose we know not, is now actually in the neighborhood of the American coast. I admit this proceeding on the part of the French Government is neither war nor just cause of war on our part; but, seeing this, shall we be told, if we do similar acts, designed to defend our own country, we are making war? As I understand the public law, every nation has the right to judge for itself of the extent of its own military and naval armaments, and no other nation has a right to complain or call it in question. It appears to me that, although the preparations and armaments of the French Government are matters not to be excepted to, still they should admonish us to place our country in a condition in which it could be defended in the event the present difficulties between the two nations should lead to hostilities.

I listened with great attention to the Senator from New Jersey, [Mr. SOUTHARD,] while he was pointing out to the Senate the extreme weakness of our naval force, and showing the superiority of the French in this respect. The conclusion to which his argument led me was, that the disparity was too great, and that this inequality ought not to be permitted longer to remain.

Gentlemen tell us that there is no danger of war between the two nations. This may be true; I hope it is so; but what that Government may do which owes a just debt, has the money in her coffers, and refuses to pay it until the creditor Government shall come forward and ask pardon for having insisted on the payment in the language of truth and justice, I will not undertake to determine; and, further, when this refusal to pay a just debt is attempted to be justified by an assertion of the right on the part of the French Government to interfere in our domestic consultations and deliberations. The best security we have against war, in my humble opinion, is, that the French Government is too far in the wrong. There cannot be a civilized nation on the earth that has an accurate knowledge of the history of this misunderstanding between the two countries, but will pronounce at once that the honor and the justice of the French nation both require that she should comply with her honest engagements by the payment of the money, and that it cannot stand justified in withholding it, or attempting to substitute a supposed affront or insult for actual payment. When error and passion prevail, it is impossible to say to what extremes they may hurry nations as well as men. Certain it is that, if French honor requires the explanation which has been demanded, it will not be satisfied with retaining the five millions of dollars which that nation owes us. I will not think so meanly of them as to suppose that they will take the money as an equivalent for their honor, and intend to put up with what they may consider an insult, because they can withhold the payment. On the contrary, if they have any right to demand an explanation at all, it will not be satisfied by keeping the money, and would be strengthened by its payment. Indeed, it is surprising that the ministry of France, on the admission that they were right as to the message, did not perceive that it was incumbent on them, as honorable men, first to pay their debt, and then to ask an explanation. This is what men of honor and honesty in private life would think necessary; and, unless they abandon the ground assumed by them, they must continue to insist on an explanation, even should the money be paid; and may, with the same reason that they make the demand, make war on us if it should be refused.

If it be asked whether I would now, under existing circumstances, be willing to declare war against France, I answer, emphatically, I would not. I am desirous that France should reconsider the principle that she has assumed, and some of the steps she has taken, and see whether the explanations given by our minister, Mr. Livingston, whether the disavowal which he made of any intention on the part of the Executive of this country to insult or menace that Government, all which has received the sanction of the Chief Magistrate of the United States, may not be deemed satisfactory. Nay, further, I am willing to wait until the last annual communication of the President of the United States shall be seen by the French Government. It contains a fair and just exposition of the views entertained by the Executive at the time of making the communication complained of. If the French Government shall choose to consider that satisfactory, I shall be gratified; for no man would deplore a war between the two countries more than I should. The French Government had no right to take exception to the communication made to Congress by the President in December, 1834. The recommendation contained in the message was not carried out by any action of Congress, and until all the departments of a Government, whose consent is necessary for the consummation of an act of an offensive character towards another nation, concur in the act or declaration, it is not the act of the nation, and cannot form a topic of discussion between the two Powers. Until the consent of all the departments of this Government, that is, the President and Congress, shall have been given as to what shall be proposed by either, it is a consultative proceeding, domestic in its nature and character, and no foreign nation can be permitted to interpose between them, and check the freedom of their communications to each other. When their consultations shall eventuate in acts or declarations affecting the interests of other nations, then, and not until then, has any foreign nation, who may be affected by it, a right to call for or demand explanations, or make it, in anywise, a subject of diplomatic discussions. I would now ask gentlemen if the French Government shall remain in its present erroneous position, and continue to insist on a demand which is inadmissible, and which is wholly inconsistent with our political institutions and form of Government? Whether that nation shall enjoy all the beneficial effects guarantied to it by the treaty of 1834, while not one of the stipulations on its part has been complied with? I can only answer, for myself, I will not consent thus to degrade my country. After every reasonable expectation shall have failed of the fulfilment of the treaty on their part, I shall be in favor of such measures as shall be best calculated to preserve the honor, dignity, and independence, of the United States. What those measures should be, may, in the mean time, depend upon the course of conduct which may be adopted by the French Government.

I have now presented to the Senate my views upon all the prominent subjects which may have been introduced into this discussion, and conclude by expressing a most sincere hope that our nation may not again be visited by the evils consequent upon war; but war, with all its direful consequences, is preferable to peace, if it can be maintained only by national degradation, or by a surrender of liberty and independence.

When Mr. GRUNDY had concluded,

Mr. HILL, of New Hampshire, addressed the Senate as follows:

Mr. President: Much has been said to mystify the question before the Senate, and to make it appear that a majority of the last Senate is not solely responsible for the rejection of the bill conditionally appropriating three millions of dollars for the defence of the country. Mystification will not answer the purpose; the responsibility will rest, as it now rests, where it truly belongs. It was with a high interest that I have watched the progress of appropriations in past sessions of the Senate. I have seen those appropriations delayed in the Senate for weeks, on frivolous pretexts: this delay had no other real object than the forcing the House of Representatives to come up to some favorite doctrine of the Senate, or for some other political manoeuvre. Has not the Senate repeatedly held up the appropriation bills for the purpose of forcing the Executive into the appointment or non-appointment of certain officers? Has it not been threatened to defeat the general appropriation bill if the House of Representatives would not yield to the wishes of the Senate?

Why was it that the principal appropriation bills of the last session, which passed the House at an earlier period than usual; why was it that these bills were held up to the very last week of the session? Why was this very fortification bill kept thirty-four days in the Senate? No, not in the Senate, but the greater part of the time in the hands of the chairman of the Committee on Finance? Was it not done avowedly for the purpose of compelling the House to pass such subjects as a majority of the Senate should choose to force on them? Look at the general appropriation bill; that bill was held up for weeks in this body, and did not pass until the last moment of the session—it did not pass, leaving time for the President of the United States to read the bill, before the twenty-third Congress was actually defunct; and so long was it in the possession of the chairman of the Committee on Finance, that I never had an opportunity to read the perfected bill before I was called upon to vote on the question of its passage. These bills were all furnished by the House, leaving the Senate ample time to discuss and understand them; but so exclusively did the then Committee on Finance of the Senate take the control, that even the Senate itself could not consider and pass upon them without a violation of the joint rules.

The loss of the fortification bill was clearly owing to the neglect of the Senate to bring that bill to an ultimate decision. In the first place, the Senate insisted on adding to that bill appropriations which had been voted down by yeas and nays in the House—it insisted on adding appropriations, suiting the motives of particular members, and local in their character, which had not been recommended by the proper department. The House, being thus forced to take the bill against its own expressed will, again proposed to the Senate a more general appropriation, which might be applied by the Executive at points where expenditures would be most useful. Instead of making appropriations that had not been called for by the proper department, either in Boston harbor or in the Delaware river, the House proposed three millions of dollars to be expended at the discretion of the Executive in the manner that might best meet the state of things existing. The House proposed this at that point of the session when information had just been received that the relations with a foreign Government were in a critical state—when it was too late for particular legislation; and when the obvious effect of neglecting such appropriation would be to invite foreign aggression.

The first question is, was the appropriation proposed by the House a reasonable proposition? Those who thought the public good required that appropriation, in either House of Congress, ought not to be reproached with having defeated the fortification bill. At no time did they interpose an objection to it in any shape. It was those who opposed that bill, it was that majority in the Senate which held up this bill to the last moment; which even refused, at that moment, to carry into effect the strong decision of that branch of the Legislature whose peculiar right and province it is to make appropriations of this sort; it was that majority which is responsible for the loss of this bill.

It has been contended that the session of the Legislature should have continued until the 4th of March at noon; and that the President of the United States ought to have remained here to sign bills until that time. The President gave one full hour for the variation of the clock. He remained, as I have occasion to know, in the Capitol until after one o'clock. The Senator from New Jersey [Mr. Southard] says President Jackson did not, on this occasion, follow the example of an illustrious predecessor. The great Washington, he informs us, (on what authority he does not tell us,) was called up from his bed, and in his flannel, on one occasion, signed some twenty bills; and that these bills became important laws, that have ever since been in force. This statement of the Senator, if it prove any thing, proves too much. If Washington did not consider the time of Congress as having expired at twelve o'clock, why was he in bed at two o'clock? Or, if the time of Congress did not expire till twelve o'clock at noon of the subsequent day, why did he get out of bed at all, when he had ample time to examine the bills at his leisure, before the time expired? It is said to have been the practice in both branches to set back the clocks at the expiration of the 3d of March. I was witness to the clock in the Senate chamber having been set back more than an hour, on the last night of the last session; the hand of the clock pointed at twelve, after the hour of one had arrived. Now, if it had been the practice to continue the session until daylight or noon of the 4th of March, where was the necessity for setting the clock back?

The Senator from Tennessee [Mr. White] thinks he sat here on one occasion at the close of a Congress until daylight. I well, recollect, probably the same time. It was in 1833, three years ago. The 3d of March was Sunday; and on that occasion the President of the United States continued in the Capitol until daylight, not of the morning of Monday the 4th, but of Sunday the 3d. Other sittings after midnight will refer themselves to the expiration of the first session, when the power of each member extending to the second session to act was undoubted. If any member knows that Congress and the President acted after twelve on the night of the 3d of March, of the second session, or what purported to be twelve o'clock, let them put their finger on that time, and show by circumstances that the Congress did hold on its session into the time for which the next Congress was elected. If they can show us an instance of this kind, they will show what, in my opinion, was a violent dereliction of duty. That it was generally believed any act done after the time was illegal, is proved by the practice of setting back the clock an hour, and making one o'clock in the morning the nominal time of twelve at night.

The assumption that the power of Congress to act beyond the term for which it is elected is a legitimate power, is urged with a pertinacity that will not admit of denial. It is insisted on by almost every person who has spoken on one side; and it is insisted on because, if the assumption be not conceded, neither the House of Representatives nor the President can be responsible for the failure of the fortification bill. Deny the right of Congress to sit after midnight, deny the right of the President to retire and sign no bills after midnight, and the last Senate must take the responsibility, not only of defeating the three million appropriation, but of defeating every item in the fortification bill.

The sixteenth and seventeenth standing rules of the two Houses of Congress provide that "no bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session;" and that "no bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States for his approbation on the last day of the session." These standing rules were made with the express view of preventing confusion at the close of the session, and to give the President an opprtunity to inform himself of the nature and contents of the several bills placed before him for his approval. If the two Houses of Congress have ever held on to their session after twelve o'clock at night, at the close of the session, it has probably been on the last day on which, by the rules, either House of Congress could act on bills. It will be perceived, in this case, that Congress would not act after its constitutional time expired, and that the holding over would violate the rules only. These rules have of late become in effect a dead letter, as have many other rules of the Senate; which, requiring for their suspension the unanimous consent of the Senate, have been set aside by a simple vote of a majority of the Senate.

The confusion attending the last hours of a sitting of either House is disagreeable to all friends of fair legislation; it is a most propitious moment for those who press claims and measures that will not admit of discussion. I stood in my place at the close of the last session, for more than one hour after the time of the Congress expired. After the House of Representatives had finished their business, and after the hour of one o'clock had arrived, different propositions were made and brought before the Senate, involving large expenditures, to be defrayed out of the contingent funds of the Senate. These propositions were intended to give a defunct printer of the Senate additional jobs of printing. I will read one extract from the Senate journal, presenting the extraordinary spectacle of a Senator, dead in law, acting for the resuscitation of a partisan printer, whose term had been superseded by the election of a new printer to the Senate. After twelve o'clock at night, Mr. Poindexter submitted the following resolution:

"*Resolved,* That the reports of commissioners for adjusting land titles, made to the Secretary of the Treasury since the adjournment of the last session of Congress, be printed, with the documents in relation to the public lands ordered to be printed at the last session of Congress."

The Senator from Missouri, [Mr. Benton,] despairing of being able otherwise to defeat the project of expending, by the action of the Senate alone, some one or two hundred thousand dollars, in addition to the enormous jobs that had already been voted, then told me he was determined to talk down this project; and he did talk and read extracts from the journals after twelve o'clock at night, until he compelled the defunct Senate to lay the project on the table.

[At this point Mr. Benton rose, and Mr. Hill giving way, Mr. B. reminded him that he defeated these printing jobs after midnight, and by speaking against time. He had avowed his determination to speak out the session; and after speaking, as he said, a long time against time, he found that time stood still; that our clock obstinately refused to pass the hour of twelve; and thereupon addressed the presiding officer, (Mr. Tyler, the President *pro tem.*,) to call to his attention the refractory disposition of the clock; which, in fact, had been set back by the officers of the House, according to common usage on the last night, to hide from ourselves the fact that our time was at an end. The presiding officer (Mr. B. said) directed an officer of the House to put forward the clock to the right time, which was done, and not another vote was taken that night, except the vote to adjourn.]

Mr. HILL thanked Mr. B. for reminding him of these facts, and said, to the perseverance of that Senator in speaking against time, in having the clock set forward to the true time, and in avowing his determination to speak until the Senate adjourned, and finally compelling the defunct Senators to yield up their places on the floor—to that perseverance of the honorable Senator which never tires on any becoming occasion, it is due that from one to two hundred thousand dollars of the public money was prevented from going into the all-grasping jaws of that cormorant, who has not fattened, but grown lean and haggard, with the continued feeding of a majority of the late Senate of the United States, Duff Green.

Mr. Bibb's proposition was to print the usual number of the legislative and executive journal from the foundation of the Government in 1789, with a copious index to each volume, and also an analytical index to the whole. The usual number was one thousand and ten copies. There are fifty volumes of legislative journals, and three volumes of executive journals. The expense of this printing, at the Congress prices, which are much higher than printing any where else, (being pay as for manuscript, when this and other reprints were from printed copy,) would have been at least $100,000. Mr. Webster's project was to reprint the Blue Book from the commencement, beginning in 1816, and published every two years; ten volumes of rule and figure work, last volume four hundred and fifty pages, at an expense of between four and five dollars per page, at the lowest estimate, $16,000. Mr. Poindexter's project was a continuation of printing of reports of commissioners for adjusting land titles, which had already cost sixty or seventy thousand dollars, and which had been previously printed under an order of the Senate, and not worth one straw to any body; the continuation, of no more value than the main work, would have made several volumes, and would have cost some twenty or thirty thousand dollars. The above project of printing reports went through the Senate at the same session, as did the project of Mr. Moore, of Alabama, to print certain Indian reports, which now amount to three large octavo volumes, delivered at this session, and which are really of no value even to a grocer or trunkmaker. Mr. Preston's project, which passed at the last hour of the session, forced through by a vote of the majority, was to print a list of pensioners on the rolls of the Treasury Office. He had before got through a resolution for printing the rolls in the War Department, which had been two years in printing, and are now just completed, making three large octavo volumes of rule and figure work, of about one thousand pages each. The whole expense of printing these lists will not be less than thirty thousand dollars; and, for all practical uses, these volumes are of less value than any old almanac. This motion of Mr. Preston was the last question taken; it was taken after twelve o'clock, and was carried by surprise. Mr. Poindexter's motion next came up, when Mr. Benton commenced speaking.

Mr. President, we have very lately had a specimen of the facility with which bills may pass the Senate. On yesterday a bill appropriating half a million of dollars for defraying the expense of defending the country against the murderous warfare of the Seminole Indians in Florida, was received from the House of Representatives, committed to the Committee on Finance, reported on, and passed three several readings, all on the same day. There was no opposition to the bill, only the very significant inquiry made by the Senator from Kentucky, [Mr. CLAY,] how it happens that these Indians should have attacked our men, and the War Department furnish us with no evidence of that intended hostility? If that Senator had not studied enough of Indian character to know that a blow, and generally a fatal blow, is the first indication of Indian hostility, he might have sought for the cause of that hostility in the known fact that a political party in the United States had taught these sons of the forest to believe themselves to be sovereign and independent nations, whose rights as such had been invaded; and that even the benevolent acts of our own Government were injustice and oppression in disguise, deserving no better than the punishment of death and extermination of our citizens at their hands. If the Committee on Finance had it in their power to act as promptly as they did on the bill I have named, why did the same committee of the last session hold up the appropriation bills for more than a month after they had passed the House, and not suffer the Senate to have them until it was too late to advocate on this floor what was expedient, and oppose what was inexpedient?

Mr. President, for the four sessions I have had a seat in this body, I have voted steadily against extravagant appropriations. I have voted against all appropriations for local internal improvements; against all increased allowances; against claims which, in my opinion, had no foundation in justice. My opposition, at times, has here scarcely had the weight of a feather. If there have been extravagant expenditures, if offices have been multiplied, and the compensation of officers increased, all has been sanctioned by a majority of the Senate. What would have been the condition of the treasury at this moment, had there been no restraint upon the will of the Senate? Has not the Senate, by passing bills which have been vetoed by the President, sanctioned principles of allowance which would have made the treasury at this moment a hundred millions in debt? The Maysville road veto stopped appropriations, much of which would have been money virtually thrown away, as has been a large share of the expenditures on the Cumberland road, which would probably have amounted at this time to at least sixty millions of dollars—ten millions a year: the veto on the bill allowing the States interest on their war claims, which war claims had been liberally and largely allowed by the Government, stopped an immediate abstraction of many millions more. The principle of this last bill, followed out, would have left no end to the claims that would have been kept up on the treasury: the first and largest sum would have gone to Massachusetts, as the interest on that claim which, by dint of perseverance, she succeeded in procuring, since the commencement of the present administration, for State expenditures made in defiance of the constituted authorities of the general Government in time of war!

Mr. President, illiberal and ungenerous as I have been to those who wanted large sums from the treasury, I did vote, with the gentlemen then acting in the minority in the Senate, for the appropriation of three millions of dollars to be expended, as the public exigencies might require, in preparing the nation to defend itself against a foreign enemy. Liberal and generous as have been the gentlemen who composed a majority of the Senate, every one of that majority voted against the appropriation of three millions. On whom, then, rests the odium of leaving the seaboard in its present defenceless state? The Senators, whose habit it was to vote for the most extensive appropriations, voted against this appropriation; and, taken in connexion with the attitude of the majority on the subject of the differences with France, is it not clear that the refusal to give the Executive the means of defence, on the part of this body, operated as a new inducement to the French Government to deny us justice? Was this not a strong indication that, even should France for ever deny the execution of her solemn contract, she might at least rely on one branch of the American Legislature to palliate her offence? I have been told by a gentleman who has just returned from France, and who well knows the dispositions of her Government and of her people, that he has not a doubt, if the Senate had voted the appropriation of three millions of dollars, showing thereby united councils at home, the money would have been paid, and the whole matter satisfactorily settled, before the commencement of this session of Congress.

This refusal on the part of the Senate would not have placed itself in so strong a light to the French Government, had it not have come from that majority in the Senate which had been most liberal in voting away the public money. It should be understood by the people of the United States that, although there was a change in the administration in 1829, there has been no substantial change in the men who have lived on the public expenditures. The public deposites have been removed from the United States Bank; thanks to the people under the lead of that man who conquered another but not less potent enemy at New Orleans; the public deposites have been removed, but the drawers of the public money are the same men, four out of five, that they ever have been. The cormorants which feed on the bowels of the treasury have not flown away. They have looked to the Senate as the citadel of their protection—the Senate would deny the right of that Chief Magistrate, elected by the people for the purpose, to annoy them. To this class of men the majority of the Senate has always been generous; nay, it will be found that a majority of the Senate, in its last six sessions, has sanctioned, without scruple, the increase of officers and of official emoluments. Standing in this relation, it may truly be said that the Senate has exercised a greater power and influence in this Government to convert the public patronage and the public money into an electioneering engine, than any other department of the Government.

Decidedly as I had disapproved of the opinions of the Senators from Massachusetts, [Mr. WEBSTER,] and South Carolina, [Mr. CALHOUN,] I was surprised and astounded at their avowals in this debate. Those avowals, Mr. President, and not the petty disputes about who was accountable for the fate of the fortification bill, at the last moment of the session; those avowals are what the nation will regard. Those avowals fix the true character of the rejection of the fortification bill. One Senator [Mr. WEBSTER] says he would not have voted the appropriation, if the enemy had been thundering at the walls of this Capitol. I regret that the Senator, in making this declaration, should discover that he had not repented of his course during the war of 1812; and if I had expected no better things of him at this period, I do most sincerely lament that the course of the other Senator, [Mr. CALHOUN,] who utters the craven sentiment that we ought not to arm lest we shall provoke a more powerful antagonist to hostilities, should have been downward. "How art thou fallen from heaven, O Lucifer, son of the morning!" I can but feebly express how much my then youthful heart was elated at the repeated perusal of the report on foreign relations, drawn by that gentleman, and made to the House of Representatives, June 3, 1812. I cannot better exhibit the spirit of that report than by reading one or two extracts:

"But the period has now arrived when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other, is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power, and commercial avarice, of Great Britain, arrogating to herself the complete dominion of the ocean, and exercising over it an unbounded and lawless tyranny, have left to neutral nations an alternative only between the base surrender of their rights and a manly vindication of them. Happily for the United States, their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress."

"The British Government might for a while be satisfied with the ascendency thus gained over us, (by submission,) and its pretensions would soon increase. The proof, of which so complete and disgraceful a submission to its authority would afford of our degeneracy, would not fail to inspire confidence that there was no limit to which its usurpations and our degradations might not be carried. Your committee, believing that the free-born sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing in the measures adopted by Great Britain a course persisted in which must lead to a loss of national character and independence, feel no hesitation in advising resistance by force, in which the Americans of the present day will prove to the enemy, and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nation, and confidently trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms."

Here was an exhibition worthy the spirit of a free people—worthy any age and any country. My first admiration of the gentleman was for the doctrines he then advanced. His voice was then for war rather than disgrace. His maxim was then—millions for defence, but no submission. My disapprobation of the gentleman now is, that he has "left his own, to stand on foreign ground,"—that he has deserted the principles he at first inculcated. Both the Senators will excuse me when I declare that I am not of their communion. I go now, as I ever have gone, for appropriations to the utmost amount that can be efficiently and properly expended to put the country into a complete state of defence, and, if need be, to prosecute to a successful termination any war waged either for our honor or our rights.

Mr. LINN, after Mr. HILL had concluded, said:

I rise, Mr. President, merely for the purpose of preventing a misconstruction or misunderstanding of my course on the last night of the last session, in relation to the printing a document connected with the subject of private land claims in Missouri, and which was deemed necessary to a right understanding of the matter. I made two motions to print that document, both of which were lost in consequence of there being no quorum of the Senate present. It was a small affair, and would have cost the Government but a trifle for the work. But from the manner it is now brought into notice by the honorable member from New Hampshire, it would, without explanation, appear as if I had made a proposition to print public documents, the cost of which would amount to one or two hundred thousand dollars. I made no such proposition, nor did I vote for any such. They came from another quarter.

Mr. WEBSTER said he had a word which he wished to say before this subject should come up again. He thought the resolution was not direct enough. It was in these words:

"*Resolved,* That so much of the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country."

Now, this looked as if nothing but surplus revenue was to be applied to these great objects. That, sir, (said Mr. W.) is not direct enough for me. These important objects are primary and essential. They certainly are entitled to be satisfied out of the whole revenue, as being among the highest duties of the Government. They ought not, sir, to be postponed, and only charged upon the surplus. For one, I desire for an opportunity of voting directly and at once for all such appropriations as are necessary to put the country in a state of defence and permanent security. No object can claim preference over this; and I hope the mover of the resolution will modify it by striking out what is said about surplus, and let the resolution stand as a direct declaration that the revenue of the country, so far as is necessary, ought to be appropriated for the purpose of general defence and permanent security.

I am ready to vote for that, if it takes every dollar in the treasury, and I cannot doubt that the other members of the Senate are equally ready.

On motion of Mr. CLAY, the subject was laid on the table; and it was

Ordered, That, when the Senate adjourns, it adjourn to meet on Monday.

The Senate adjourned.

MONDAY, FEBRUARY 1.

NATHAN HALE.

Amomg the petitions presented to-day was one, by Mr. NILES, of sundry citizens of New Haven, Connecticut, setting forth the extraordinary services, the great merits, and the untimely fate, of Captain Nathan Hale, of the revolutionary army, and praying that a monument may be erected to his memory.

Mr. NILES rose and said: I hold in my hand two petitions, signed by some of the first citizens of Connecticut; among the names are six gentlemen who have been members of Congress, the Chief Justice, and Governor of the State. These petitions present, for the consideration of Congress, the extraordiary services and untimely and melancholy fate of Nathan Hale, a youthful patriot of the Revolution, praying Congress to erect a monument to his memory near the sepulchre of his fathers. I understand that a similar petition was presented to the last Congress, and referred to the Committee on Military Affairs, who reported favorably in respect to the facts, and the great merits of Captain Hale; but deemed it inexpedient then to recommend any action on the part of Congress. But at this time, when a cloud hangs over our country, when we are threatened with the long sword of France; when there is some danger, I trust not much, of our being involved in war, there may perhaps be more disposition to cherish, in the breasts of American youths, that spirit of patriotism, that devotion to country, and that love of fame, which constitute so lange a portion of the means of national defence. However this may be, it is my duty to present these petitions. I had thoughts of moving for a special committee, but fearing that may be deemed as asking too much, I shall move a reference to the Committee on Military Affairs, and have to beseech that committee to give to the subject further consideration. Were it not that a petition on this subject appears to have been presented to the Senate the last session, I should suppose that honorable Senators might inquire, who is Nathan Hale? As this is a case of somewhat an unusual character, I hope to be excused for offering a few suggestions on the subject.

Captain Hale was one of those youthful patriots and heroes who, when the first gun was fired in a neighboring colony, when the first blood of American freemen was shed in the streets of Lexington, abandoned his home, his studies, and all the prospects of peaceful pursuits, and repaired to the scene of danger. The first intelligence of these events was received in the towns on the eastern border of Connecticut on Saturday; and General Putnam received the news when ploughing in his field. This American Cincinnatus immediately left his work, and repaired to Boston, leaving his plough in the furrow, where it remained until he returned from the war. Farther west, in the towns on Connecticut river, this news was received on the Sabbath, and during the hours of public worship. In many instances, notwithstanding the devotional character of that people, the public worship was suspended, and the meetings dissolved. In other places, individuals, more ardent than others, procured drums, and, appearing in front of the church, beat the drum as a signal to arms. Then, sir, it might be truly said that there were no Sabbaths in revolutionary times. Among the youth who were aroused by these appeals was Nathan Hale, then only twenty years of age, and a recent graduate at Yale College. He received a lieutenant's commission, and during his service at Boston was promoted to the rank of a captain, in Colonel Webb's regiment. He accompanied the American army to New York, and such was the confidence which General Washington had in his valor and discretion, that he selected him for the hazardous and difficult enterprise of passing within the enemy's lines on Long Island, to ascertain their situation and designs. This was an enterprise in which no laurels were to be won, and great risk incurred. But it was readily accepted by Captain Hale. He performed his mission, and had got nearly back to his quarters, when he was stopped by a piquet guard, and being recognised by a former friend, he betrayed him, and he was immediately hanged as a spy, without even the form of a trial. I had supposed that at that time there were no tories in Connecticut, but it seems there was one malignant enough to betray a friend and relative. Thus perished Nathan Hale, in the morning of life, and at the commencement of a career promising so much glory to himself and so much advantage to his country. Thus perished Nathan Hale, and lamenting that he had but one life to lose for his country.

I also hold a document, which I offer, to accompany these petitions. It has no particular reference to the case of Captain Hale, except so far as it goes to show the general whig spirit which at that early period prevailed in Connecticut, and which no doubt contributed to inspire in the breast of this noble youth that ardent love of liberty and that daring patriotism which led him into the field of danger, and inscribed his name on the list of the first martyrs in that glorious struggle. This document consists of copies of sundry acts and resolutions of the General Assembly of the colony, passed in May and June, 1776, which prove that before the first motion for independence was made in Congress, the colony of Connecticut had virtually separated itself from the dominion and authority of the British Crown. One is an act repealing the law in relation to high treason, by conspiring against the life or authority of the British monarch. The other changes the forms of all legal proceedings, directing that the name of his Majesty be no longer used in any writ or other civil process. The third is a resolution instructing the delegates of the colony in Congress to propose the independence of the several colonies, and the establishment of a conferation among the colonies. This was adopted in June; and, it would seem, before the subject had been brought before Congress. That, in the adoption of these resolutions, Connecticut was in advance of some of the other colonies, I would by no means assert; for I believe some of them had adopted similar resolutions; but none, I presume, had gone farther, or taken a more bold and decided stand. I do not find these resolutions, or any reference to them, on the journals of the old Congress; nor do I find any resolutions or instructions from any of the colonies, except that on the 27th of May, '76, it is entered on the journal, that instructions to the delegates of those States were presented from Virginia and North Carolina, which probably related to the question of independence. The instructions are not entered on the journal. As these acts and resolutions are short, I move that they be read; and they should be preserved in the archives of this Government, as they belong to the history of the Union. Perhaps we may catch some of the whig spirit of '76. Sir, the whigs of that day did not fear to arm; when their liberties were invaded, they did not count the cost of defending them. They met the crisis like men worthy to be free, and staked upon its issue their lives, their fortunes, and every thing dear to man this side the grave. The petitioners do not come here to ask of Congress to honor the memory of a distinguished son of Connecticut because the State is unwilling and unable to do it, but because they believe it belongs to Congress. He was not in the service of the State; he was not defending his native soil; he was in the service of the continent, and in that service periled and lost his life. The State has erected a monument in honor of those brave men who were massacred on the heights of Groton, after a most gallant defence. I move the reading of the petition and document, and that they be referred.

The reading and reference was agreed to accordingly.

NATIONAL DEFENCE.

On motion of Mr. **HUBBARD**, the Senate took up the resolution submitted by Mr. Benton for appropriating the surplus revenue to the national defence.

Mr. **BUCHANAN**, who had the floor, rose and addressed the Senate as follows:

Mr. President: I am much better pleased with the first resolution offered by the Senator from Missouri, [Mr. Benton,] since he has modified it upon the suggestion of the Senator from Tennessee, [Mr. Grundy.] When individuals have more money than they know how to expend, they often squander it foolishly. The remark applies, perhaps, with still greater force to nations. When our treasury is overflowing, Congress, who are but mere trustees for the people, ought to be especially on their guard against wasteful expenditures of the public money. The surplus can be applied to some good and useful purpose. I am willing to grant all that may be necessary for the public defence, but no more. I am therefore pleased that the resolution has assumed its present form. The true question involved in this discussion is, on whom ought the responsibility to rest for having adjourned on the 3d of March last without providing for the defence of the country? There can be no doubt a fearful responsibility rests somewhere. For my own part, I should have been willing to leave the decision of this question to our constituents. I am a man of peace, and dislike the crimination and recrimination which this discussion must necessarily produce; but it is vain to regret what cannot now be avoided. The friends of the administration have been attacked, and we must now defend ourselves. I deem it necessary, therefore, to state the reasons why I voted, on the 3d of March last, in favor of the appropriation of three millions for the defence of the country, and why I glory in that vote. The language used by Senators in reference to this appropriation has been very strong. It has been denounced as a violation of the constitution. It has been declared to be such a measure as would not have received the support of the minority, had they believed it could prevail, and that they would be held responsible for it. It has been stigmatized as most unusual—most astonishing—most surprising. And, finally, to cap the climax, it has been proclaimed that the passage of such an appropriation would be virtually to create a dictator, and to surrender the power of the purse and the sword into the hands of the President. I voted for that appropriation under the highest convictions of public duty, and I now intend to defend that vote against all these charges.

In examining the circumstances which not only justified this appropriation, but rendered it absolutely necessary, I am forced into the discussion of the French question. We have been told, that if we should go to war with France, we are the authors of that war. The Senator from New Jersey has declared that it will be produced by the boastful vanity of one man, the petulance of another, and the fitful violence of a third. It would not be difficult to conjecture who are the individuals to whom the Senator alludes. He has also informed us that, in the event of such a war, the guilt which must rest somewhere will be tremendous. Now, sir, I shall undertake to prove that scarcely an example exists in history of a powerful and independent nation having suffered such wrongs and indignities as we have done from France with so much patience and forbearance. If France should now resort to arms—if our defenceless seacoast should be plundered—if the blood of our citizens should be shed—the responsibility of the Senate, to use the language of the gentleman, will be tremendous. I shall not follow the example of the Senator, and say their guilt, because that would be to attribute to them an evil intention, which I believe did not exist.

In discussing this subject, I shall first present to the view of the Senate the precise attitude of the two nations towards each other, when the appropriation of three millions was refused, and then examine the reasons which have been urged to justify this refusal. After having done so, I shall exhibit our relations with France as they exist at the present moment, for the purpose of proving that we ought now to adopt the resolutions of the gentleman from Missouri, and grant all necessary appropriations for the defence of the country.

In discussing this subject it is not my intention to follow the fortification bill, either into the chamber of the committee of conference, or into the hall of the House of Representatives. It is not my purpose to explain the confusion which then existed, and which always must exist after midnight on the last evening of the session. I shall contend that the Senate ought to have voted the three millions; that the fortification bill ought to have passed the Senate with this amendment; and that, therefore, the Senate is responsible, not only for the loss of this appropriation, but for that of the entire bill. What, then, was the attitude in which we stood towards France at the moment when the Senate rejected this appropriation for the defence of the country? What, at that moment, was known, or ought to have been known, in regard to this question, by every Senator on this floor?

The justice of our claims upon France are now admitted by all mankind. Our generosity was equal to their justice. When she was crushed in the dust by Europe in arms, when her cities were garrisoned by a foreign foe, when her independence was trampled under foot, we refused to urge our claims. This was due to our ancient ally. It was due to our grateful remembrance of the days of other years. The testimony of Lafayette conclusively establishes this fact. In the Chamber of Deputies, on the 13th of June, 1833, he declared that we had refused to unite with the enemies of France in urging our claims in 1814 and 1815; and that, if we had done so, these claims would then have been settled. This circumstance will constitute one of the brightest pages of our history.

Was the sum secured to our injured fellow-citizens by the treaty of the 4th of July, 1831, more than they had a right to demand? Let the report of our Committee on Foreign Relations, at the last session, answer this question. They concur entirely with the President in the statement he had made in his message, that it was absolutely certain the indemnity fell far short of the actual amount of our just claims, independently of damages and interest for the detention; and that it was well known at the time that, in this respect, the settlement involved a sacrifice. But there is now no longer room for any conjecture or doubt upon this subject. The commissioners under the treaty have closed their labors. From the very nature of their constitution, it became the interest of every claimant to reduce the other claims as much as possible, so that his own dividend might thus be increased. After a laborious and patient investigation, the claims which have been allowed by the commissioners amount to $9,352,193 47. Each claimant will receive but little more than half his principal at the end of a quarter of a century, after losing all the interest.

Why, then, has this treaty remained without execution on the part of France until this day? Our Committee on Foreign Relations, at the last session, declared their conviction that the King of France "had invariably, on all suitable occasions, manifested an anxious desire faithfully and honestly to fulfil the engagements contracted under his authority and his name." They say that "the opposition to the execution of the treaty and the payment of our just claims does not proceed from the King's Government, but from a majority in the Chamber of Deputies."

Now, sir, it is my purpose to contest this opinion, and to show, as I think I can conclusively, that it is not a just inference from the facts. And here, to prevent all possible misconstruction, either on this side or on the other side of the Atlantic, (if by any accident my humble remarks should ever travel to such a distance,) permit me to say that I am solely responsible for them myself. These opinions were in a great degree formed whilst I was in a foreign land, and were there freely expressed upon all suitable occasions. I was then beyond the sphere of party influence, and felt only as an American citizen. Is it not then manifest, to use the language of Mr. Livingston, in his note to the Count de Rigny of the 3d of August, 1834, that the French Government have never appreciated the importance of the subject at its just value? There are two modes in which the King could have manifested this anxious desire faithfully to fulfil the treaty. These are by words and by actions. When a man's words and his actions correspond, you have the highest evidence of his sincerity. Even then he may be a hypocrite in the eyes of that Being before whom the fountains of human action are unveiled. But when a man's words and his actions are at variance; when he promises, and does not perform, or even attempt to perform; when "he speaks the word of promise to the ear, and breaks it to the hope," the whole world will at once pronounce him insincere. If this be true in the transactions of common life, with how much more force does it apply to the intercourse between diplomatists? The deceitfulness of diplomacy has become almost a proverb. In Europe, the talent of overreaching gives a minister the glory of diplomatic skill. The French school has been distinguished in this art. To prove it I need only mention the name of Talleyrand. The American school teaches far different lessons. On this our success has, in a great degree, depended. The skilful diplomatists of Europe are foiled by the downright honesty and directness of purpose which have characterized all our negotiations. Even the established forms of diplomacy contain much unmeaning language, which is perfectly understood by every body, and deceives nobody. If ministers have avowed their sincerity, and their ardent desire to execute the treaty, to deny them, on our part, would be insulting, and might lead to the most unpleasant consequences. In forming an estimate of their intentions, therefore, every wise man will regard their actions rather than their words. By their deeds shall they be known. Let us, then, test the French Government by this touchstone of truth.

The ratifications of the treaty of the 4th of July, 1831, were exchanged at Washington the 2d February, 1832. When this treaty arrived in Paris the French Chambers were in session, and they continued in session for several weeks. They did not adjourn until the 19th April. No time more propitious for presenting this treaty to the Chambers could have been selected than that very moment. Europe then was, as I believe it still is, one vast magazine of gunpowder. It was generally believed that the Polish revolution was the spark which would produce the explosion. There was imminent danger of a continental war, in which France, to preserve her existence, would have to put forth all her energies. Russia, Prussia, and Austria, were armed, and ready for the battle. It was, then, the clear policy of France to be at a good understanding with the United States. If it had been the ardent desire of the King's Government to carry into effect the stipulations of the treaty, they would have presented it to the Chambers before their adjournment. This would undoubtedly have been the course pursued by any President of the United States under similar circumstances. But the treaty was not presented. I freely admit that this omission, standing by itself, might be explained by the near approach of the adjournment at the time the treaty arrived from Washington. It is one important link, however, in the chain of circumstances, which cannot be omitted.

The Government of the United States proceeded immediately to execute their part of the treaty. By the act of the 13th July, 1832, the duties on French wines were reduced according to its terms, to take effect from the day of the exchange of the ratifications. At the same session, the Congress of the United States, impelled, no doubt, by their kindly feelings towards France, which had been roused into action by what they believed to be a final and equitable settlement of all our disputes, voluntarily reduced the duty upon silks coming from this side of the Cape of Good Hope to five per cent., whilst those from beyond were fixed at ten per cent. And, at the next session, on the 2d of March, 1833, this duty of five per cent. was taken off altogether; and ever since French silks have been admitted into our country free of duty. There is now, in fact, a discriminating duty of ten per cent. in their favor, over silks from beyond the Cape of Good Hope.

What has France gained by these measures in duties on her wines and her silks, which she would otherwise have been bound to pay? I have called upon the Secretary of the Treasury for the purpose of ascertaining the amount. I now hold in my hand a tabular statement, prepared at my request, which shows that, had the duties remained what they were at the date of the ratification of the treaty, these articles, since that time, would have paid into the treasury, on the 30th of September, 1834, the sum of $3,061,525. Judging from the large importations which have since been made, I feel no hesitation in declaring it as my opinion that, at the present moment, these duties would amount to more than the whole indemnity which France has engaged to pay to our fellow-citizens. Before the conclusion of the ten years mentioned in the treaty, she will have been freed from the payment of duties to an amount considerably above twelve millions of dollars.

By the same act of the 13th July, 1832, a board of commissioners was established to receive, examine, and decide, the claims of our citizens under the treaty, who were to meet on the 1st day of the following August. This act also directed the Secretary of the Treasury to cause the several instalments, with the interest thereon, payable to the United States in virtue of the convention, to be received from the French Government, and transferred to the United States in such manner as he may deem best. In this respect the provisions of the act correspond with the terms of the treaty, which prescribe that the money shall be paid into the hands of such person or persons as shall be authorized to receive it by the Government of the United States. Were the French Government immediately informed of all these proceedings? Who can doubt it? Certainly no one at all acquainted with the vigilance and zeal of their diplomatic agents.

The 19th of November, 1832, the day for the meeting of the Chambers, at length arrived. Every American was anxious to know what the King would say in his speech concerning the treaty. No one could doubt but that he would strongly recommend to the Chambers to make the appropriation of twenty-five millions of francs, the first instalment of which would become due on the 2d of February following. All, however, which the speech contained in relation to the treaty is comprised in the following sentences: "I have also ordered my ministers to communicate to you the treaty concluded on the 4th of July, 1831, between my Government and that of the United States of America. This arrangement puts an end to the reciprocal claims of the two countries." Now, sir, I am well aware of the brevity and non-committal character of King's speeches in Europe. I know the necessity which exists there for circumspection and caution. But, making every fair allowance for these considerations, I may at least say that the speech does not manifest an anxious desire to carry the treaty into effect. What might the King have said; what ought he to have said; what might he have said, had he felt this anxious desire? It might all have been embraced in a single additional sentence, such as the following: "The Congress of the United States have already provided for the admission of French wines into their ports upon the terms of this treaty, and have voluntarily reduced their duties upon French silks; I must therefore request you to grant me the means of discharging the first instalment, which will become due, under this treaty, on the 2d day of February next." The King did not even ask the Chambers for the money necessary to redeem the faith of France. In this respect, the debt due to the United States is placed in striking contrast to the Greek loan. Immediately after the two sentences of the speech which I have already quoted, the King proceeds: "You will likewise be called to examine the treaty by which Prince Otho, of Bavaria, is called to the throne of Greece. I shall have to request from you the means of guarantying, in union with my allies, a loan, which is indispensable for the establishment of the new State founded by our cares and concurrence." The establishment of the new State founded by our cares and concurrence! Russia, sir, has made greater advances by her skill in diplomacy than by her vast physical power. Unless I am much mistaken, the creation of this new State, with Prince Otho as its King, will accomplish the very object which it was the interest and purpose of France to defeat. It will, in the end, virtually convert Greece into a Russian province. I could say much more on the subject, but I forbear. My present purpose is merely to present, in a striking view, the difference between the King's language in relation to our treaty, and that treaty which placed the son of the King of Bavaria on the throne of Greece.

Time passed away, and the 2d February, 1833, the day when the first instalment under the treaty became due, arrived. It was to be paid "into the hands of such person or persons as shall be authorized by the Government of the United States to receive it." The money on that day ought to have been ready at Paris; but strange, but most wonderful as it may appear, although the Chambers had been in session from the 19th of November until the 2d of February, the King's Government had never even presented the treaty to the Chambers; had never even asked them for a grant of the money necessary to fulfil its engagements. Well might Mr. Livingston say that they had never properly appreciated the importance of the subject.

The Government of the United States, knowing that the King in his speech had promised to present the treaty to the Chambers, and knowing that they had been in session since November, might have taken means to demand the first instalment at Paris on the 2d day of February. Strictly speaking, it was their duty to do so, acting as trustees for the claimants. But they did not draw a bill of exchange at Washington for the first instalment, until five days after it had become due at Paris. This bill was not presented to the French Government for payment until the 23d of March, 1833. Even at that day the French ministry had not presented either the treaty, or a bill to carry it into effect, to the Chambers. The faith of France was thus violated by the neglect of the King's Government long before any bill was presented. They, and not the Chambers, are responsible for this violation. It was even impossible for the Chambers to prevent it. Had this treaty and bill been laid before them in time to have enabled them to redeem the faith of France, the loyalty of the French character would never have permitted them to be guilty of a positive violation of national honor. The faith of the nation was forfeited before they were called upon to act. The responsibility was voluntarily assumed by the King's ministers. The Chambers are clear of it. Besides, the ministry were all powerful with the Chambers during that session. They carried every thing they urged. Even the bill providing the means of guarantying the Greek loan became a law. Can it, then, for a single moment, be believed that, if a bill to carry into effect our treaty—a treaty securing such important advantages to France—had been presented at an early period of the session, and had been pressed by the ministry, they would have failed in the attempt? At all events, it was their imperative duty to pursue this course. The aspect of the political horizon in Europe was still lowering. There was still imminent danger of a general war. France was still in a position to make her dread any serious misunderstanding with the United States.

After all this, on the 26th March, the Duke de Broglie, in a note to Mr. Niles, our chargé d'affaires at Paris, stated that it was "a source of regret, and, indeed, of astonishment, that the Government of the United States did not think proper to have an understanding with that of France before taking this step." What step? The demand of an honest debt, almost two months after it had been due, under a solemn treaty. Indeed, the Duke, judging from the tone of his note, appears almost to have considered the demand an insult. To make a positive engagement to pay a fixed sum on a particular day, and, when that sum is demanded nearly two months after, to express astonishment to the creditor, would, in private life, be considered trifling and evasive.

The excuse made by the French ministry for their conduct is altogether vain. Had they dreaded the vote of the Chambers, had they been afraid to appear before them with their treaty and their bill, they would and they ought to have communicated their apprehensions to this Government, and asked it to suspend the demand of the money. But they had never whispered such a suspicion after the exchange of the ratifications of the treaty; and the first intimation of it on this side of the Alantic was accompanied by the astounding fact that the French Government had dishonored our bill. It is true that, before the treaty was signed, they had expressed some apprehensions to Mr. Rives on this subject. These, it would seem, from their subsequent conduct, were merely diplomatic, and intended to produce delay; because, from the date of the treaty, on the 4th July, 1831, until after our bill of exchange was dishonored, in March, 1833, no intimation of danger from that quarter was ever suggested. These circumstances made a great noise throughout Europe, and soon became the subject of general remark.

On the 6th of April, 1833, a year and more than two months after the exchange of the ratifications at Washington, the treaty and bill were first presented to the French Chambers. The session closed on the 25th of April, without any further action upon the subject. No attempt was made by the ministry to press it; and as the session would terminate so soon, perhaps no attempt ought to have been made. But, as a new session was to commence the day after the termination of the old, and to continue two months, a favorable opportunity was thus presented to urge the passage of the law upon the Chambers. Was this done? No, sir. The ministry still continued to pursue the same course. They suffered the remainder of the month of April to pass, the month of May to pass, and not until the 11th of June, only fifteen days before the close of the session, did they again present the bill to carry into effect the treaty. It was referred to a committee, of which Mr. Benjamin Delessert was the chairman. On the 18th of June he made a report. This report contains a severe reprimand of the French Government for not having presented the bill at an earlier period of the session, and expresses the hope that the treaty may be communicated at the opening of the next session. If we are to judge of the opinion of the Chamber from the tone and character of this report, instead of being hostile to the execution of the treaty, had it been presented to them in proper time, they felt every disposition to regard it in a favorable light. I shall read the whole report; it is very short, and is as follows:

"Gentlemen: The committee charged by you to examine the bill relative to the treaty concluded on the 4th of July, 1831, between France and the United States, has demanded a number of documents and reports, which must be examined, in order to obtain a complete knowledge of so important a transaction.

"The committee was soon convinced that a conscientious examination of these papers would require much time; and that, at so advanced a period of the session, its labors would have no definitive result. It regrets that, from motives which the Government only can explain, the bill was not presented earlier to the Chamber for discussion. It regrets this so much the more, as it is convinced of the importance of the treaty, which essentially interests our maritime commerce, our agriculture, and our manufactures.

"Several Chambers of Commerce, particularly those of Paris and Lyons, have manifested an ardent desire that the business should be speedily terminated.

"The committee would be satisfied if, after a deeper study of the question, it could enlighten the Chamber with regard to the justice of claims alleged by each of the parties to the treaty, and which form the basis of it; but as time does not allow a definitive report to be made on the subject, it considers itself as the organ of the Chamber, in expressing the wish that this treaty be communicated at the opening of the next session, and that its result may be such as to strengthen the bonds of friendship which must ever exist between two nations so long united by common interest and sympathy."

After a careful review of this whole transaction, I am convinced that the Government of France never would have pursued such a course towards us, had they entertained a just sense of our power and our willingness to exert it in behalf of our injured fellow-citizens. Had Russia or Austria been her creditors, instead of ourselves, the debt would have been paid when it became due, or, at the least, the ministers of the King would have exerted themselves in a far different manner to obtain the necessary appropriation from the Chambers. I am again constrained, however reluctantly, to adopt the opinion which I had formed at the moment. Our fierce political strife in this country is not understood in Europe, and, least of all, perhaps, in France. During the autumn in 1832, and the session of 1832-'33, it was believed abroad that we were on the very eve of a revolution; that our glorious Union was at the point of dissolution. I speak, sir, from actual knowledge. Whilst the advocates of despotism were looking forward, with eager hope, to see the last free republic blotted out from the face of nations, the friends of freedom throughout the world were disheartened, and dreaded the result of our experiment. The storm did rage in this country with the utmost violence. It is no wonder that those friends of liberty on the other side of the Atlantic, who did not know how to appreciate the recuperative energies of a free and enlightened people, governed by federal and State institutions of their own choice, should have been alarmed for the safety of the republic. For myself, I can say that I never felt any serious apprehension; yet the thrill of delight with which I received the news of the passage of the famous compromise law of March, 1833, can never be effaced from my memory. I did not then stop to inquire into the nature of its provisions. It was enough for me to know that the republic was safe, not only in my own opinion, but in the opinion of the world.

Suppose, sir, that the President of the United States, under similar circumstances, had withheld a treaty from Congress, requiring an appropriation, for fourteen months after it had been duly ratified, and had thus forfeited the national faith to a foreign Government, what would have been the consequence? Sir, he ought to have been, he would have been, impeached. No circumstances could ever have justified such conduct in the eyes of the American Congress or the American people.

After all the provocation which the President had received, as the representative of his country, what was his conduct? It might have been supposed that this violent man, as the Senator from New Jersey [Mr. SOUTHARD] has designated him, would at once have recommended decisive measures. Judging from his energy, from his well-known devotion to the interests of his country, and, above all, from his famous declaration to ask nothing from foreign nations but what was right, and to submit to nothing wrong, I should have expected from him an indignant message at the commencement of the next session of Congress. Instead of that, the message of December, 1833, in relation to French affairs, is of the mildest character. It breathes a spirit of confident hope that our ancient ally would do us justice during the next session of the Chambers. His exposition of this subject is concluded by the following declaration:

"As this subject involves important interests, and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition; and should I be disappointed in the hope now entertained, the subject will be again brought to the notice of Congress in such a manner as the occasion may require."

And thus ends the first act of this astonishing historical drama. Throughout the whole of it, beginning, middle, and end, the French Government, and not the French Chambers, were exclusively to blame.

We have now arrived at the mission of Mr. Livingston. He reached Paris in September, 1833. The Duke de Broglie assured him "that the King's Government would willingly and without hesitation promise to direct the deliberations of the Chambers to the *projet de loi* relative to the execution of the convention of July 4, 1831, on the day after the Chamber is constituted, and to employ every means to secure the happy conclusion of an affair, the final determination of which the United States cannot desire more ardently than ourselves." After this assurance, and after all that had passed, it was confidently expected that the King would, in strong terms, have recommended the adoption of the appropriation by the Chambers. In this we were again doomed to disappointment. In his opening speech he made no direct allusion to the subject. He simply says that "the financial laws, and those required for the execution of treaties, will be presented to you."

The bill was presented, and debated, and finally rejected by the Chamber of Deputies on the 1st day of April, 1834, by a vote of 176 to 168. It is not my present purpose to dwell upon the causes of this rejection. No doubt, the principal one was that the French ministers were surprised near the conclusion of the debate, and were unable at the moment to show that the captures at St. Sebastian's were not included in our treaty with Spain. I am sorry they were not better prepared upon this point; but I attribute to them no blame.

It has been urged over and over again, both on this floor and elsewhere, that the rejection of the treaty was occasioned by the publication, in this country, of Mr. Rives's letter to Mr. Livingston, of the 8th of July, 1831. Is this the fact? If it be so, it ought to be known to the world. If it be not, both the character of this Government and of Mr. Rives should be rescued from the imputation. What is the opinion expressed in this letter? Is it that the American claimants would obtain, under the treaty, more than the amount of their just claims? No such thing. Is it that they would obtain the amount of their just claims, with interest? Not even this. The negotiator merely expresses the opinion that they would receive every cent of the principal. He does not allege that they would receive one cent of interest for a delay of nearly a quarter of a century. This opinion is evidently founded upon that expressed by Mr. Gallatin, in a despatch dated on the 14th January, 1822, cited by Mr. Rives, in which the former expresses his belief that five millions of dollars would satisfy all our just claims. It ought to be observed that the sum stipulated to be paid by the treaty is only twenty-five million francs, or, about four million seven hundred thousand dollars; and that more than nine years had elapsed between the date of Mr. Gallatin's despatch and the signing of the treaty. These facts all appear on the face of the letter, with the additional fact that the statements of the claimants, which have, from time to time, been presented to Congress, carry the amount of the claims much higher. These statements, however, Mr. Rives did not believe were a safe guide. This is the amount of the letter, when fairly analyzed, which, it is alleged, destroyed the treaty before the French Chambers. If a copy of it had been placed in the hands of every deputy, it could not possibly have produced any such effect. That it did not occasion the rejection of the treaty is absolutely certain. I have examined the whole debate, for the purpose of discovering any allusion to this letter; but I have examined it in vain. Not the slightest trace of the letter can be detected in any of the numerous speeches delivered on that occasion. The topics of opposition were various, and several of them of a strange character; but the letter is not even once alluded to throughout the whole debate. If its existence were known at the time in the French Chamber, this letter, written by a minister to his own Government, expressing a favorable opinion of the result of his own negotiations, was a document of a character so natural, so much to be expected, that not one deputy in opposition to the treaty believed it to be of sufficient importance even to merit a passing notice. Still, I have often thought it strange it had never been mentioned in the debate. The mystery is now resolved. The truth is, this letter, which is alleged to have produced such fatal effects, was entirely unknown to the members of the French Chamber when they rejected the treaty. This fact is well established by a letter from Mr. Jay, the chairman of the committee appointed by the Chamber of Deputies to investigate our claims, addressed to Mr. Gibbes, and dated at Paris on the 24th of January, 1835. I shall read it:

Extract of a letter from Mr. Jay to Mr. Gibbes, dated 24th January, 1835.

"It is asserted in the American prints that the rejection of the American treaty by the Chamber of Deputies, at their last session, was chiefly owing to the publication of a letter from Mr. Rives to his own Government. This is an error, which justice to that distinguished statesman, and a sense of his unremitting exertions to promote the interests of his Government while here, induce me formally to contradict. No such evidence appears in the debates; and in none of my conversations with the members have I ever heard his letter alleged as the motive for disputing the amount due. I much question, indeed, if any other Deputy than myself ever read the letter alluded to."

We have now arrived at that point of time when a majority of the French Chamber arrayed themselves against the treaty. This decision was made on the 1st of April, 1834. Some apprehensions then prevailed among the King and his ministers. The business was now becoming serious. New assurances had now become necessary to prevent the President from presenting the whole transaction to Congress, which they knew would still be in session when the information of the rejection would reach the United States. In his annual message at the commencement of the session, it will be recollected, he had declared that, should he be disappointed in the hope then entertained, he would again bring the subject before Congress in such a manner as the occasion might require. They knew that he was a man who performed his promises, and a great effort was to be made to induce him to change his purpose.

Accordingly a French brig of war, the Cuirassier, is fitted out with despatches to Mr. Serurier. They reached him on the 3d of June. On the 4th he has an interview with Mr. McLane, and makes explanations, which the latter very properly requests may be reduced to writing. In compliance with this request the French minister, on the 5th, addresses a note to Mr. McLane. After expressing the regrets, of the French Government at the rejection of the bill, he uses the following language:

"The King's Government, sir, after this rejection, the object of so much painful disappointment to both Governments, has deliberated, and its unanimous determination has been to make an appeal from the first vote of the present Chamber to the next Chamber, and to appear before the new Legislature with its treaty and its bill in hand. It flatters itself that the light already thrown upon this serious question, during these first debates, and the expression of the public wishes becoming each day more clear and distinct, and, finally, a more mature examination, will have in the mean time modified the minds of persons, and that its own conviction will become the conviction of the Chambers. The King's Government, sir, will make every loyal and constitutional effort to that effect, and will do all that its persevering persuasion of the justice and of the mutual advantages of the treaty authorizes you to expect from it. Its intention, moreover, is to do all that our constitution allows to hasten as much as possible the period of the new presentation of the rejected law.

"Such, sir, are the sentiments, such the intentions, of his Majesty's Government. I think I may rely that, on its part, the Government of the republic will avoid, with foreseeing solicitude, in this transitory state of things, all that might become a cause of fresh irritation between the two countries, compromit the treaty, and raise up an obstacle, perhaps insurmountable, to the views of reconciliation and harmony which animate the King's council."

Now, sir, examine this letter even without any reference to the answer of Mr. McLane, and can there be a doubt as to its true construction? It was not merely the disposition, but "it was the intention of the King's Government to do all that their constitution allows to hasten as much as possible the period of the new presentation of the rejected law." The President knew that, under the constitution of France, the King could at any time convoke the Chambers upon three weeks' notice. It was in his power, therefore, to present this law to the Chambers whenever he thought proper. The promise was, to hasten this presentation as much as possible. Without any thing further, the President had a right confidently to expect that the Chambers would be convoked in season to enable him to present their decision to the Congress of the United States in his annual message. The assurance was made on the 5th June, and Congress did not assemble until the beginning of December. But the letter of Mr. McLane of the 27th June removes all possible doubt from this subject. He informs M. Serurier that

"The President is still unable to understand the causes which led to the result of the proceeding in the Chamber, especially when he recollected the assurances which had so often been made by the King and his ministers, of their earnest desire to carry the convention into effect, and the support which the Chamber had afforded in all the other measures proposed by the King."

And again:

"The assurances which M. Serurier's letter contains of the adherence of the King's Government to the treaty, of its unanimous determination to appeal from the decision of the present to the new Chamber, and its conviction that the public wish, and a mature examination of the subject, will lead to a favorable result, and its intention to make every constitutional effort to that effect, and, finally, its intention to do all that the constitution allows to hasten the presentation of the new law, have all been fully considered by the President.

"Though fully sensible of the high responsibility which he owes to the American people, in a matter touching so nearly the national honor, the President, still trusting to the good faith and justice of France, willing to manifest a spirit of forbearance so long as it may be consistent with the rights and dignity of his country, and truly desiring to preserve those relations of friendship which, commencing in our struggle for independence, form the true policy of both nations, and sincerely respecting the King's wishes, will rely upon the assurances which M. Serurier has been instructed to offer, and will therefore await with confidence the promised appeal to the new Chamber.

"The President, in desiring the undersigned to request that his sentiments on this subject may be made known to his Majesty's Government, has instructed him also to state his expectation that the King, seeing the great interests now involved in the subject, and the deep solicitude felt by the people of the United States respecting it, will enable him, when presenting the subject to Congress, as his duty will require him to do at the opening of their next session, to announce at that time the result of that appeal, and of his Majesty's efforts for its success."

Had this letter of Mr. McLane placed a different construction upon the engagement of the French Government from that which M. Serurier intended to communicate, it was his duty to make the necessary explanations without delay. He, in that case, would have done so instantly. It was a subject of too much importance to suffer any misapprehension to exist concerning it for a single moment.

Notwithstanding all which had passed, the President, on the faith of those assurances of the French Government, suffered Congress to adjourn without presenting the subject to their view. This rash, this violent man, instigated by his own good feelings towards our ancient ally, and by his love of peace, determines that he would try them once more—that he would once more extend the olive branch before presenting to Congress and the nation a history of our wrongs. I confess I do not approve of this policy. I think the time had then arrived to manifest to France some sensibility on our part on account of her delay in executing the treaty. I believe that such a course would have been dictated by sound policy.

What were the consequences of this new manifestation of the kindly feelings of the President towards France? Was it properly appreciated by the French Government? Was it received in the same liberal and friendly spirit from which it had proceeded? Let the sequel answer these questions. I shall read you Mr. Livingston's opinion on the subject. In a letter to Mr. Forsyth, under date of the 22d November, 1834, he thus expresses himself:

"I do not hope for any decision on our affairs before the middle of January. One motive for delay is an expectation that the message of the President may arrive before the discussion, and that it may contain something to show a strong national feeling on the subject. This is not mere conjecture; I know the fact; and I repeat now, from a full knowledge of the case, what I have more than once stated in my former despatches as my firm persuasion, that the moderate tone taken by our Government when the rejection was first known, was attributed by some to indifference, or to a conviction on the part of the President that he would not be supported in any strong measure by the people, and by others to a consciousness that the convention had given us more than we were entitled to ask."

I shall now proceed to show in what manner the French Government performed the engagement which has been made by their representative in Washington to hasten the presentation of the rejected law as much as possible.

The Chambers met on the 31st July, and the King made them a speech. This speech contains no allusion to the subject of the treaty except the following: "The laws necessary for carrying treaties into effect, and those still required for the accomplishment of the promises of the Chamber, will be again presented to you in the course of this session." The rejected bill was not presented. After a session of two weeks, the Chambers were prorogued on the 16th August until the 29th December, a day almost a month after the next meeting of Congress. I admit that strong reasons existed for dispensing with that part of the obligation which required the French Government to present the bill at this short session. No good reason has ever been alleged to excuse them for proroguing the Chambers until so late a day as the 29th of December. They might have met, and they ought to have met, at an early period of the autumn. They have heretofore met, on different occasions, for the despatch of business, in every month of the year. It was in vain that Mr. Livingston urged the necessity of an early meeting on the Count de Rigny. It was in vain that he appealed to the positive engagement of the French Government made by M. Serurier. It was in vain that he declared to him "that the President could not, at the opening of the next session of Congress, avoid laying before that body a statement of the then position of affairs on this interesting subject, nor, under any circumstances, permit that session to end, as it must, on the 3d March, without recommending such measures as he may deem that justice and the honor of the country may require." All his remonstrances were disregarded. Instead of hastening the presentation of the rejected law as much as possible, they refused to assemble the Chambers in time even to present the bill before the meeting of Congress. Their meeting was so long delayed as to render it almost impossible that their determination should be known in this country before the close of the session, notwithstanding the President had agreed not to present the subject to Congress at the previous session, under a firm conviction that he would receive this determination in time to lay it before them at the commencement of their next session. Is there a Senator in this hall who can believe for a moment that if the President had been informed the rejected bill would not be laid before the Chambers until the 29th December, he would have refrained from communicating to Congress, at their previous session, the state of the controversy between the two countries? Upon this construction, the engagement of the French Government was mere words, without the slightest meaning; and the national vessel which brought it in such solemn form might much better have remained at home.

What was the apology, what the pretext, under which the King's Government refused to assemble the Chambers at an earlier period? It was that M. Serurier had made no engagement to that effect, and that the intention which he expressed in behalf of his Government to do all that the constitution allows, to hasten as much as possible the period of the new presentation of the rejected law, meant no more than that this was their disposition. The word "intention" is thus changed into "disposition" by the Count de Rigny, and the whole engagement, which was presented to the President in such an imposing form, was thus converted into a mere unmeaning profession of their desire to hasten this presentation as much as possible.

Sir, at the commencement of the session of Congress, it became the duty of the President to speak; and what could any American expect that he would say? The treaty had been violated in the first instance by the ministers of the French King, in neglecting to lay it before the Chambers until after the first instalment was due. It was then twice submitted at so late a period of the session that it was impossible for the Chambers to examine and decide the question before their adjournment. On the last of these occasions, the chairman of the committee to which the subject was referred had reported a severe reprimand against the Government for not having sooner presented the bill, and expressed a hope that it might be presented at an early period of the next session. It was then rejected by the Chamber of Deputies; and, when the French Government had solemnly engaged to hasten the presentation of the rejected law as soon as their constitution would permit, they prorogued the Chambers to the latest period which custom sanctions, in the very face of the remonstrances of the minister of the United States. I ask again, sir, before such an array of circumstances, what could any man, what could any American, expect the President would say in his message? The cup of forbearance had been drained by him to the very dregs. It was then his duty to speak so as to be heard and to be regarded on the other side of the Atlantic. If the same spirit which dictated the message, or any thing like it, had been manifested by Congress, the money, in my opinion, would ere this have been paid.

The question was then reduced to a single point. We demanded the execution of a solemn treaty; it had been refused. France had promised again to bring the question before the Chambers as soon as possible. The Chambers were prorogued until the latest day. The President had every reason to believe that France was trifling with us, and that the treaty would again be rejected. Is there a Senator within the sound of my voice, who, if France had finally determined not to pay the money, would have tamely submitted to this violation of national faith? Not one!

The late war with Great Britain elevated us in the estimation of the whole world. In every portion of Europe, we have reason to be proud that we are American citizens. We have paid dearly for the exalted character we now enjoy among the nations, and we ought to preserve it, and transmit it unimpaired to future generations. To them it will be a most precious inheritance.

If, after having compelled the weaker nations of the world to pay us indemnities for captures made from our citizens, we should cower before the power of France, and abandon our rights against her, when they had been secured by a solemn treaty, we should be regarded as a mere hector among the nations. The same course which you have pursued towards the weak, you must pursue towards the powerful. If you do not, your name will become a by-word and a proverb.

But, under all the provocations which the country had received, what is the character of that message? Let it be scanned with eagle eyes, and there is nothing in its language at which the most fastidious critic can take offence. It contains an enumeration of our wrongs, in mild and dignified language, and a contingent recommendation of reprisals in case the indemnity should again be rejected by the Chambers. But in this, and in all other respects, it defers entirely to the judgment of Congress. Every idea of an intended menace is excluded by the President's express declaration. He says: "Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect any thing from her fears, and preclude the necessity of the declaration that nothing partaking of the character of intimidation is intended by us."

I ask, again, is it not forbearing in its language? Is there a single statement in it not founded upon truth? Does it even state the whole truth against France? Are there not strong points omitted? All these questions must be answered in the affirmative. On this subject we have strong evidence from the Duke de Broglie himself. In his famous letter to M. Pageot of June 17th, 1835—the arrow of the Parthian as he flew—this fact is admitted. He says:

"If we examine in detail the message of the President of the United States, (I mean that part of it which concerns the relations between the United States and

France,) it will possibly be found that, passing successively from phrase to phrase, none will be met that cannot bear an interpretation more or less plausible, nor of which, strictly speaking, it cannot be said that it is a simple expose of such a fact, true in itself, or the assertion of such or such a right, which no one contests, or the performance of such or such an obligation imposed on the President by the very nature of his functions. There will certainly be found several in which the idea of impeaching the good faith of the French Government, or of acting upon it through menace or intimidation, is more or less disavowed."

It was the whole message, and not any of the detached parts, at which the French Government chose to take offence. It is not my present purpose to discuss the propriety of the recommendation of reprisals, or whether that was the best mode of redress which could have been suggested. Some decided recommendation, however, was required from the Executive, both by public opinion and by the wrongs which we had so long patiently endured. Who can suppose that the Executive intended to menace France, or to obtain from her fears what would be denied by her sense of justice? The President, in this very message, expressly disclaims such an idea. Her history places her far above any such imputation. The wonder is, how she could have ever supposed the President, against his own solemn declaration, intended to do her any such injustice. She ought to have considered it as it was, a mere executive recommendation to Congress, not intended for her at all—not to operate upon her fears, but upon their deliberations in deciding whether and what measures should be adopted to secure the execution of the treaty. But on this subject I shall say more hereafter.

We have now arrived at the special message of the President to Congress, of the 26th February last—a document which has a most important bearing on the appropriation of the three millions which was rejected by the Senate. I have given this historical sketch of our controversy with France, for the purpose of bringing Senators to the very point of time, and to the precise condition of this question, when the Senate negatived that appropriation.

What had Congress done in relation to the French question when this message was presented to us? Nothing, sir; nothing. The Senate had unanimously passed a resolution, on the 15th January, that it was inexpedient, at present, to adopt any legislative measure in regard to the state of affairs between the United States and France. This unanimity was obtained by two considerations. The one was, that the French Chambers had been convened, though not for the purpose of acting upon our treaty, on the 1st instead of the 29th of December—a fact unknown to the President at the date of his message. The other, that this circumstance afforded a reasonable ground of hope that we might learn their final determination before the close of our session on the 3d March. But, whatever may have been the causes, the Senate had determined that, for the present, nothing should be done.

In the House of Representatives, at the date of the special message, on the 26th February, no measure whatever had been adopted. The President had just cause to believe that the sentiments contained in his message to Congress, at the commencement of their session, were not in unison with the feelings of either branch of the Legislature. He therefore determined to lay all the information in his possession before Congress, and leave it for them to decide whether any or what measures should be adopted for the defence of the country. I shall read this message. It is as follows:

"I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 16th instant, of the instructions given to that minister, and of all the late correspondence with the French Government, in Paris or in Washington, except a note of Mr. Serurier, which, for the reasons stated in the report, is not now communicated.

"It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation, and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the Chambers.

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires."

The President leaves the whole question to Congress. What was the information then communicated? That a very high state of excitement existed against us in France. That the French minister had been recalled from this country; an act which is generally the immediate precursor of hostilities between nations. Besides, Mr. Livingston, who was a competent judge, and on the spot, with the best means of knowledge, informed his Government that he would not be surprised, should the law be rejected, if they anticipated our reprisals by the seizure of our vessels in port, or the attack of our ships in the Mediterranean by a superior force. Such were his apprehensions upon this subject, that he felt it to be his duty, without delay, to inform Commodore Patterson of the state of things, so that he might be upon his guard. Ought these apprehensions of Mr. Livingston to have been disregarded? Let the history of that gallant people answer this question. How often has the injustice of their cause been concealed from their own view by the dazzling brilliancy of some grand and striking exploit? Glory is their passion, and their great Emperor, who knew them best, often acted upon this principle. To anticipate their enemy, and commence the war with some bold stroke, would be in perfect accordance with their character.

Every Senator, when he voted upon the appropriation, must have known, or at least might have known, all the information which was contained in the documents accompanying the President's message. It has been objected that, if the President desired this appropriation of three millions, he ought to have recommended it in his message. I protest against this principle. He acted wisely, discreetly, and with a becoming respect for Congress, to leave the whole question to their decision. This was especially proper, as we had not thought proper to adopt any measure in relation to the subject.

Suppose the President had, in his special message, recommended this appropriation, what would have been said, and justly said, upon the subject? Denunciations the most eloquent would have resounded against him throughout the whole country, from Georgia to Maine. It would have every where been proclaimed as an act of executive dictation. In our then existing relations with France, it would have been said, and said with much force, that such a recommendation from the Executive might have had a tendency to exasperate her people, and produce war. Besides, I shall never consent to adopt the principle that we ought to take no measures to defend the country without the recommendation of the Executive. This would be to submit to that very dictation against which on other occasions gentlemen themselves have so loudly protested. No, sir; I shall always assert the perfect right of Congress to act upon such subjects, independently of any executive recommendation.

This special message was referred to the Committee on Foreign Relations in the House of Representatives on the 25th February. On the next day they reported three resolutions, one of which was, "that contingent preparation ought to be made to meet any emergency growing out of our relations with France." The session was rapidly drawing to a close. But a few days of it then remained. It would have been vain to act upon this resolution. It was a mere abstraction. Had it been adopted, it could have produced no effect; the money was wanted to place the country in a state of defence, and not a mere opinion that it ought to be granted. The chairman of the Committee on Foreign Relations, therefore, on the 28th February, had this resolution laid upon the table, and gave notice that he would move an amendment to the fortification bill, appropriating three millions of dollars, one million to the army and two millions to the navy, to provide for the contingent defence of the country.

It has been urged that, because the President, in his last annual message, has said that this contingent appropriation was inserted according to his views, some blame attaches to him from the mode of its introduction. Without pretending to know the fact, I will venture the assertion that he never requested any member, either of this or the other branch of the Legislature, to make such a motion. He had taken his stand—he had left the whole subject to Congress. From this he never departed. If the chairman of any committee, or any other member of the Senate or the House, called upon him to know his views upon the subject, he no doubt communicated them freely and frankly. This is his nature. Surely no blame can attach to him for having expressed his opinion upon this subject to any member who might ask it. It has been the uniform course pursued on such occasions.

On the 2d of March the House of Representatives, by a unanimous vote, resolved that, in their opinion, the treaty with France of the 4th July, 1831, should be maintained, and its execution insisted on. This was no party vote. It was dictated by a common American feeling, which rose superior to party. After this solemn declaration of the House, made in the face of the world, how could it be supposed they would adjourn without endeavoring to place the country in an attitude of defence? What, sir! the Representatives of the people, with an overflowing treasury, to leave the country naked and exposed to hostile invasion, and to make no provision for our navy, after having declared unanimously that the treaty should be maintained! Who could have supposed it?

On the 3d of March, upon the motion of the chairman of the Committee on Foreign Relations, [Mr. Cambreleng,] and in pursuance of the notice which he had given on the 28th of February, this appropriation of three millions was annexed as an amendment to the fortification bill. The vote upon the question was 109 in the affirmative, and 77 in the negative. This vote, although not unanimous, like the former, was no party vote. The bill, thus amended, was brought to the Senate. Now, sir, let me ask, if this appropriation had proceeded from the House alone, without any message or any suggestion from the Executive, would not this have been a legitimate source? Ought such an appropriation to be opposed in the Senate because it had not received executive sanction? Have the Representatives of the people no right to originate a bill for the defence and security of their constituents and their country without first consulting the will of the President? For one, I shall never submit to any such slavish principle. It would make the Executive every thing, and Congress nothing.

Had the indemnity been absolutely rejected by the Chambers, the two nations would have been placed in a state of defiance towards each other. In such a condition it was the right, nay, more, it was the imperative duty, of the House of Representatives to make contingent preparation for the worst. The urgency of the case was still more striking, because, in ten or eleven of the States, Representatives could not be elected until months after the adjournment, and therefore Congress could not have been assembled to meet any emergency which might occur.

But, sir, does it require a recommendation of the Executive, or a vote of the House of Representatives, to originate such an appropriation? Any individual Senator or member of the House may do it with the strictest propriety. Did the Senator from Delaware [Mr. Clayton] ask the approbation of the President before he made the motion at the last session, which does him so much honor, to increase the appropriation for fortifications half a million? How did the amendments proposed by the Senator from Massachusetts [Mr. Webster] to the fortification bill of the last session originate? I presume from the Committee on Finance, of which he was the chairman. No doubt he conferred with the head of the proper executive department, according to the custom in such cases; but still these appropriations of more than four hundred thousand dallars had their origin in that committee. It was a proper, a legitimate source. Is, then, the ancient practice to be changed? And must it become a standing rule that we are to appropriate no money without the orders or the expressed wish of the Executive? I trust not.

The form of this appropriation has been objected to. I shall read it:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided* such expenditure shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

It has been urged that to grant the money in such general terms would have been a violation of the constitution. I do not understand that the Senator from Massachusetts, [Mr. Webster,] at the present session, has distinctly placed it upon this ground. Other Senators have done so in the strongest terms. Is there any thing in the constitution which touches the question? It simply declares that "no money shall be drawn from the treasury but in consequence of appropriations made by law." Whether these appropriations shall be general or specific, is left entirely, as it ought to have been, to the discretion of Congress. I admit that, *ex vi termini*, an appropriation of money must have a reference to some object. But whether you refer to a class or to an individual, to the genus or to the species, your appropriation is equally constitutional. The degree of specification necessary to make the law valid never can become a constitutional question. The terms of the instrument are as broad and as general as the English language can make them. In this particular, as in almost every other, the framers of the constitution have manifested their wisdom and their foresight. Cases may occur and have occurred in the history of this Government, demanding the strictest secrecy—cases in which to specify would be to defeat the very object of the appropriation. A remarkable example of this kind occurs in the administration of Mr. Jefferson, to which I shall presently advert.

There are other cases in which, from the very nature of things, you cannot specify the objects of an appropriation without the gift of prophecy. I take the present to be a clear case of this description. The appropriation was contingent; it was to be for the defence of the country. How, then, could it have been specific? How could you foresee when, or where, or how, the attack of France would be made? Without this foreknowledge you could not designate when, or where, or how, it would become necessary to use the money. This must depend upon France, not upon ourselves. She might be disposed to confine the contest merely to a naval war. In that event it would become necessary to apply the whole sum to secure us against naval attacks. She might threaten to invade Louisiana, or any other portion of the Union. The money would then be required to call out the militia, and to march them and the regular army to that point. Every thing must depend upon the movements of the enemy. It might become necessary, in order most effectually to resist the contemplated attack, to construct steam frigates or steam batteries, or it might be deemed more proper to increase your ordinary navy, and complete and arm your fortifications. In a country where Congress cannot be always in session, you must, in times of danger, grant some discretionary powers to the Executive. This should always be avoided when it is possible, consistently with the safety of the country. But it was wise, it was prudent, in the framers of the constitution, in order to meet such cases, to declare, in general terms, that "no money shall be drawn from the treasury but in consequence of appropriations made by law." Not specific appropriations. The term is general and unrestricted. If the amendment had appropriated one million to fortifications, the second million to the increase of the navy, and the third to the purchase of ordnance and arms, it might have been found that a great deal too much had been appropriated to one object, and a great deal too little to another.

As a matter of expediency, as a means of limiting the discretion of executive officers, I am decidedly friendly to specific appropriations, whenever they can be made. I so declared in the debate at the last session. I then expressed a wish that this appropriation had been more specific; but, upon reflection, I do not see how it could have been much more so, unless we had possessed the gift of prophecy. But the constitution has nothing to do with the question.

After all, I attached more value to specific appropriations before I had examined this subject than I do at the present moment. Still, I admit their importance. The clause which immediately follows in the constitution is the true touchstone of responsibility. Although the appropriation may be general, yet "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." No matter in what language public money may be granted to the Executive, in its expenditure he is but the mere trustee of the American people, and he must produce to them his vouchers for every cent intrusted to his care. This constitutional provision holds him to a strict responsibility, much more severe than if Congress had been required in all cases to make specific appropriations.

How Senators can create a dictator, and give him unlimited power over the purse and the sword out of such an appropriation, I am at a loss to conceive. It is a flight of imagination beyond my reach. What, sir, to appropriate three millions for the military and naval defence of the country, in case it should become necessary during the recess of Congress, and at its next meeting to compel the President to account for the whole sum he may have expended! Is this to create a dictator? Is this to surrender our liberties into the hands of one man? And yet gentlemen have contended for this proposition.

What has been the practice of the Government in regard to this subject? During the period of our first two Presidents, appropriations were made in the most general terms. No one then imagined that this was a violation of the constitution. When Mr. Jefferson came into power this practice was changed. In his message to Congress of December 8, 1801, he says: "In our use, too, of the public contributions intrusted to our discretion, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition." Susceptible of definition! Here is the rule, and here is the exception. He treats the subject not as a constitutional question, but as one of mere expediency. In little more than two short years after this recommendation, Mr. Jefferson found it was necessary to obtain an appropriation from Congress in the most general terms. To have made it specific would necessarily have defeated its very object. Secrecy was necessary to success. Accordingly, on the 26th February, 1803, Congress made the most extraordinary appropriation in our annals. They granted to the President the sum of two millions of dollars "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations." Here, sir, was a grant almost without any limit. It was coextensive with the whole world. Every nation on the face of the earth was within the sphere of its operation. The President might have used this money to subsidize foreign nations to destroy our liberties. That he was utterly incapable of such conduct it is scarcely necessary to observe. I do not know that I should have voted for such an unlimited grant. Still, however, there was a responsibility to be found in his obligation under the constitution to account for the expenditure. Mr. Jefferson never used any part of this appropriation. It had been intended for the purchase of the sovereignty of New Orleans and of other possessions in that quarter; but our treaty with France of the 30th April, 1803, by which Louisiana was ceded to us, rendered it unnecessary for him to draw any part of this money from the treasury under the act of Congress by which it had been granted.

Before the close of Mr. Jefferson's second term, it was found that specific appropriations, in the extent to which they had been carried, had become inconvenient. Congress often granted too much for one object, and too little for another. This must necessarily be the case, because we cannot say beforehand precisely how much shall be required for any one purpose. On the 3d of March, 1809, an act was passed, which was approved by Mr. Jefferson, containing the following provision:

"*Provided, nevertheless,* That, during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the Secretary of the proper Department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that Department be applied to another branch of expenditure in the same Department; in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session."

Is this act constitutional? If it be so, there is an end of the question. Has its constitutionality ever been doubted? It authorizes the President to take the money appropriated by Congress for one specific object, and apply it to another. The money destined for any one purpose by an appropriation bill may be diverted from that purpose by the President, and be applied to any other purpose entirely different, with no limitation whatever upon his discretion, except that money to be expended by one of the Departments, either of War, or of the Navy, or of the Treasury, could not be transferred to another Department.

It is not my intention to cite all the precedents bearing upon this question. I shall merely advert to one other. On the 10th of March, 1812, Congress appropriated five hundred thousand dollars "for the purpose of fortifying and defending the maritime frontier of the United States." This was in anticipation of the late war with Great Britain, and is as general in its terms, and leaves as much to executive discretion, as the proposed appropriation of three millions.

I trust, then, that I have established the positions that this appropriation originated from a legitimate source, was necessary for the defence and honor of the country, and violated no provision of the constitution. If so, it ought to have received the approbation of the Senate.

When the fortification bill came back to the Senate with this appropriation attached to it by the House, the Senator from Massachusetts [Mr. Webster] instantly moved that it should be rejected. I feel no disposition to make any harsh observations in relation to that gentleman. I think, however, that his remark, that, if the enemy had been thundering at the gates of the Capitol, he would have moved to reject the appropriation, was a most unfortunate one for himself. I consider it nothing more than a bold figure of speech. I feel the most perfect confidence that the gentleman is now willing to vote all the money which may be necessary for the defence of the country. Of the gentleman's sincerity in opposing this appropriation I did not then, nor do I now, entertain a doubt. He was ardent and impassioned in his manner, and was evidently in a state of highly excited feeling. Probably, strong political prejudices may have influenced his judgment, without his knowledge. He thought that a high constitutional question was involved in the amendment, and acted accordingly. When the bill returned again to the Senate, after we had rejected and the House had insisted upon their amendment, the Senator immediately moved that we should adhere to our rejection. I well recollect, sir, that you (Mr. King, of Alabama, was in the chair) remarked at the time that this was a harsh motion, and, should it prevail, would be well calculated to exasperate the feelings of the House, and to defeat the bill. You then observed that the proper motion would be to insist upon our rejection, and ask a conference, and that the motion to adhere ought not to be resorted to until all gentler measures had failed. The Senator now claims the merit, and is anxious to sustain the responsibility, of having moved to reject this appropriation. He also asks, in mercy, that when the expunging process shall commence, his vote upon this occasion may be spared from its operation.

For the sake of my country, and in undisguised sincerity of purpose, I declare, for the sake of the gentleman, I am rejoiced that the responsibility which he covets will probably not be so dreadful as we had just reason to apprehend. Had France attacked us, or should she yet attack us, in our present defenceless condition; should our cities be exposed to pillage, or the blood of our citizens be shed, either upon the land or the ocean; should our national character be dishonored, tremendous, indeed, would be the responsibility of the gentleman. In that event, he need not beseech us to spare his vote from the process of expunging. You might as well attempt to expunge a sunbeam. That vote will live for ever in the memory of the American people.

It was the vote of the Senate which gave the mortal blow to the fortification bill. Had they passed the appropriation of three millions, that bill would now have been a law. Where it died, it is scarcely necessary to inquire. It was in mortal agony when the consultation of six political doctors was held upon it at midnight, in our conference chamber, and it probably breathed its last on its way from that chamber to the House of Representatives, for want of a quorum in that body. Its fate, in one respect, I hope may yet be of service to the country. It ought to admonish us, if possible, to do all our legislative business before midnight on the last day of the session. I never shall forget the night I sat side by side, in the House of Representatives, with the Senator from Massachusetts [Mr. Webster] until the morning had nearly dawned. The most important bills were continually returning from the Senate, with amendments. It would have been in the power of any one member remaining in the House to have defeated any measure by merely asking for a division. This would have shown that no quorum was present. The members who still remained were worn down and exhausted, and were thus rendered incapable of attending to their duties. It was legislation without deliberation. I trust that this evil may be now corrected. Should it not, I do not know that, at the conclusion of a Congress, my conscience would be so tender as to prevent me from voting, as I have done heretofore, after midnight on the 3d of March.

I have one other point to discuss. I shall now proceed to present to the Senate the state of our relations with France at the present moment, for the purpose of proving that we ought to adopt the resolutions of the Senator from Missouri, [Mr. Benton,] and grant all appropriations necessary for the defence of the country. For this purpose, we must again return to Paris. The President's annual message of December, 1834, arrived in that city on the 8th of January following, a day propitious in our annals. The attack upon the British troops on the night of the 23d of December did not surprise them more than this message did the French ministers. After the most patient endurance of wrongs for so many years, they seemed to be astounded that the President should have asserted our rights in such a bold and manly manner. That message, sir, will eventually produce the payment of the indemnity. What effect had it upon the character of our country abroad? Let Mr. Livingston answer this question. In writing to the Secretary of State, on the 11th of January, 1835, he says: "It has certainly raised us in the estimation of other Powers, if I may judge from the demeanor of their representatives here; and my opinion is that, as soon as the first excitement subsides, it will operate favorably on the councils of France." There was not an American in Paris on that day who, upon the perusal of this message, did not feel the flush of honest pride of country mantling in his countenance.

On the 32d of November previous, Mr. Livingston was convinced that the King was sincere in his intention of urging the execution of the treaty, and then had no doubt of the sincerity of his cabinet. The Chambers assembled on the 1st of December; and, after an arduous struggle for two days against the opposition, victory perched upon the banner of the ministers. They were thus securely seated in their places. On the 6th of December Mr. Livingston again writes that "the conversations I had with the King and all the ministers convince me that now they are perfectly in earnest, and united on the question of the treaty, and that it will be urged with zeal and fidelity." In a few short days, however, a change came over their spirit. On the 22d of December Mr. Livingston uses the following language, in writing to the Department of State:

"My last despatch (6th of December) was written immediately after the vote of the Chamber of Deputies had, as it was thought, secured a majority to the administration, and it naturally excited hopes which that supposition was calculated to inspire. I soon found, however, both from the tone of the administration press and from the language of the King and all the ministers with whom I conferred on the subject, that they were not willing to put their popularity to the test on our question; it will not be made one on the determination of which the ministers are willing to risk their portfolios. The very next day after the debate, the ministerial gazette (*Des Debats*) declared that, satisfied with the approbation the Chamber had given to their system, it was at perfect liberty to exercise its discretion as to particular measures which do not form an essential part of that system; and the communications I subsequently had with the King and the ministers confirmed me in the opinion that the law for executing our convention was to be considered as one of those free questions. I combated this opinion, and asked whether the faithful observance of treaties was not an essential part of their system; and, if so, whether it did not come within their rule."

The observance of treaties was not an essential part of their system! Victorious and securely fixed, the ministers would not risk their places in attempting to obtain from the Chambers the appropriation required to carry our treaty into execution. It would not be made a cabinet question. It is evident they had determined to pursue the same course of delay and procrastination which they had previously pursued. But the message arrived, and it roused them from their apathy. All doubts which had existed upon the subject of making the payment of our indemnity a cabinet question at once vanished. We have never heard of any such since, and it was not until some months after that the French ministers thought of annexing any condition to this payment.

On the 13th of January Mr. Livingston had a conference with the Count de Rigny. He then explained to him the nature of a message from our President to Congress. He compared it to a family council under the French law, and showed that it was a mere communication from one branch of our Government to another, with which a foreign nation had no right to interfere, and at which they ought not to take offence. They parted on friendly terms, and again met on the same terms in the evening, at the Austrian ambassador's. Mr. Livingston was, therefore, much astonished when, about ten o'clock at night of the same day, he received a note from the Count, informing him that M. Serurier, the French minister at Washington, had been recalled, and that his passports were at his service. This seems to have been a sudden determination of the French cabinet.

Now, sir, upon the presumption that France had been insulted by the message, this was the proper mode of resenting the insult. Promptly to suspend all diplomatic intercourse with the nation who had menaced her or questioned her honor was a mode of redress worthy of her high and chivalrous character. The next impulse of wounded pride would be promptly to pay the debt which she owed, and release herself from every pecuniary obligation to the nation which had done her this wrong. These were the first determinations of the King's ministers.

France has since been placed before the world, by her rulers, in the most false position ever occupied by a brave and gallant nation. She believes herself to be insulted; and what is the consequence? She refuses to pay a debt now admitted to be just by all the branches of her Government. Her wounded feelings are estimated by dollars and cents; and she withholds twenty-five millions of francs, due to a foreign nation, to soothe her injured pride. How are the mighty fallen! Truly it may be said, the days of chivalry are gone. Have the pride and the genius of Napoleon left no traces of themselves under the constitutional monarchy? In private life, if you are insulted by an individual to whom you are indebted, what is the first impulse of a man of honor? To owe no pecuniary obligation to the man who has wounded your feelings; to pay him the debt instantly, and to demand reparation for the insult, or at the least to hold no friendly communication with him afterwards. This course the King's ministers had at first determined to pursue. The reason why they abandoned it I shall endeavor to explain hereafter.

Mr. Livingston, in his letter to Mr. Forsyth of the 14th of January, 1835, says:

"The law, it is said, will be presented to-day, and I have very little doubt that it will pass. The ministerial phalanx, re-enforced by those of the opposition (and they are not few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote."

Did Mr. Livingston intend to say that France would be terrified into this measure? By no means. But, in the intercourse between independent States, there is a point at which diplomacy must end, and when a nation must either abandon her rights, or determine to assert them by the sword, or by such strong and decided measures as may eventually lead to hostilities. When this point is reached, it becomes a serious and alarming crisis for those to whom, on earth, the destiny of nations is intrusted. When the one alternative is war, either immediate or prospective, with all the miseries which follow in its train, and the other the payment of a just debt to an ancient ally and firm friend, who could doubt what must be the decision? Such was the position in which France stood towards the United States. Not only justice, but policy, required the payment of the debt. In the event of war, or of a non-intercourse between the two nations, her wine growers, her producers and manufacturers of silk, and all her other manufacturing interests, especially those of her southern provinces, would be vitally injured. The payment of $5,000,000 would be but a drop in the ocean compared with the extent of their sufferings. In France they then believed that the time for diplomacy, the time for procrastination, had ended. The President's message had opened their eyes to the importance of the subject It was under this impression that Mr. Livingston predicted that the bill would pass the Chambers. That it would have done so without any condition, had Congress responded to the President's message, I do not say by authorizing reprisals, but by manifesting a decided resolution to insist upon the execution of the treaty, will, I think, appear abundantly evident hereafter.

The French ministry having manifested their sensibility to the supposed insult by recalling M. Serurier, proceeded immediately to present the bill for the execution of the treaty to the Chambers. In presenting it, on the 15th January, M. Humann, the Minister of Finance, addressed the Chamber. His speech contains the views then entertained by the French cabinet. I shall read an extract from it. He says:

"General Jackson has been in error respecting the extent of the faculties conferred upon us by the constitution of the State; but if he has been mistaken as to the laws of our country, we will not fall into the same error with regard to the institutions of the United States. Now, the spirit and letter of those institutions authorize us to regard the document above named (the message) as the expression of an opinion merely personal, so long as that opinion has not received the sanction of the other two branches of the American Government. The message is a Government act, which is still incomplete, and should not lead to any of those determinations which France is in the habit of taking in reply to a threat or an insult."

The French ministry, then, considered the President's message merely his personal act, until it should receive the sanction of Congress. They then had not dreamt of requiring an explanation of it as the only condition on which they would pay the money. This was an afterthought. The bill presented by Mr. Humann merely prescribed that the payments should not be made "until it shall have been ascertained that the Government of the United States has done nothing to injure the interests of France." This bill was immediately referred to a committee, of which M. Dumon was the chairman. On the 28th March he reported it to the Chamber, with a provision that the money should not be paid if the Government of the United States shall have done any thing "contrary to the dignity and the interests of France." Still we hear nothing of an explanation of the message being made a condition of the payment of the money. The clauses in the bill to which I have adverted were evidently inserted to meet the contingency of reprisals having been sanctioned by Congress.

The debate upon the bill in the Chamber of Deputies commenced on the 9th of April and terminated on the 18th. On that day General Valaze proposed his amendment declaring that "the payments in execution of the present law cannot be made until after the French Government shall have received satisfactory explanations with regard to the message of the President of the United States, dated the 2d December, 1834."

The Duke de Broglie, the Minister of Foreign Affairs, accepted this amendment. I shall read his remarks on this occasion. He says:

"The intention of the Government has always been conformable with the desire expressed by the author of the amendment which is now before the Chamber; (great agitation;) the Government has always meant that diplomatic relations should not be renewed with the Government of the United States until it had received satisfactory explanations. The Government, therefore, does not repulse the amendment itself."

After this, on the same day, the bill passed the Chamber by a vote of 289 to 137.

Well might the Chamber be agitated at such an annunciation from the Minister of Foreign Affairs. Why this sudden change in the policy of the French Government? The answer is plain. Congress had adjourned on the 4th of March, without manifesting, by their actions, any disposition to make the fulfilment of the treaty a serious question. Whilst our treasury was overflowing, they had refused to make any provision for the defence of the country. They had left the whole coast of the United States, from Maine to Georgia, in a defenceless condition. The effect upon the French Chamber and the French people was such as might have been anticipated. To prove this, I shall read an extract from a speech delivered by M. Bignon, one of the Deputies, on the 10th April. I select this from many others, because it contains nothing which can be offensive to any Senator. It will be recollected that M. Bignon is the gentleman who had been more instrumental in defeating the bill at the previous session than any other member.

"President Jackson's message [says M. Bignon] has astonished them [the Americans] as well as us; they have seen themselves thrown by it into a very hazardous situation. What have they done? They are too circumspect and clear-headed to express, by an official determination, their disapproval of an act which, in reality, has not received their assent. Some of them, for instance, Mr. Adams, in the House of Representatives, may, indeed, from a politic patriotism, have even eulogized the President's energy, and obtained from the Chamber the expression that the treaty of 1831 must be complied with; but at a preceding sitting the same member took pains to declare that he was not the defender of a system of war; he proclaimed aloud that the resolution adopted by the Senate was an expedient suggested by prudence, and he thought the House of Representatives should pursue the same course. Gentlemen, the American Legislature had to resort to expedients to get out of the embarrassing dilemma in which the President's message had placed them; and they acted wisely."

From the conduct of Congress, the French Chambers were under the impression that the people of the United States would not adopt any energetic measures to compel the fulfilment of the treaty. They had no idea that the nation would sustain the President in his efforts. They had reason to believe that he was left almost alone. They appear ever since to have acted under this delusion. According to the impression of M. Bignon, the nation was astounded at President Jackson's message. This is the true reason why the ministry accepted the amendment requiring President Jackson to make an explanation.

The best mode of obtaining justice from the powerful as well as from the weak, the best mode of elevating this nation to the lofty position she is destined to occupy among the nations of the earth, the best mode of preventing war and preserving peace, is to stand up firmly for our rights. The assertion of these rights, not by threats, but boldly, manfully, and frankly, is the surest method of obtaining justice and respect from other nations.

At so early a day as the 29th of January Mr. Livingston addressed a note to the Duke de Broglie, distinctly disavowing any intention on the part of the President, by his message, to intimidate France, or to charge the French Government with bad faith. On the 25th of April, in another letter to the Duke, he communicated to him the President's official approbation of his former note. In this last letter he reiterates his explanations, and assures the Duke that, whilst the President intended to use no menace, nor to charge any breach of faith against the King's Government, he never could and never would make an explanation of his message on the demand of a foreign Government. This letter would, of itself, be sufficient to give its author a high rank, not only among the diplomatists, but the statesmen of his country. The sentiments it contains were unanimously approved by the American people. Although it was received by the Duke before the bill had been acted upon by the Chamber of Peers, it produced no effect upon the French ministry. The bill was finally passed, and obtained the sanction of the King, in a form requiring the President to explain his message before the money could be paid.

This state of facts distinctly raises the important question, whether a President of the United States can be questioned by a foreign Government for any thing contained in a message to Congress. The principle that he cannot has already been firmly established by the practice of our Government. Even in our intercourse with France, in former times, the question has been settled. This principle results from the very nature of our institutions. It must ever be maintained inviolate. Reverse it, and you destroy the independent existence of this republic, so far as its intercourse with foreign nations is concerned.

The constitution requires that the President of the United States "shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This information is intended not only for the use of Congress, but of the people. They are the source of all power, and from their impulse all legitimate legislation must proceed. Both Congress and the people must be informed of the state of our foreign relations by the Executive. If the President cannot speak freely to them upon this subject, if he cannot give them all the information which may be necessary to enable them to act, except under the penalty of offending a foreign Government, the constitution of the United States to this extent becomes a dead letter. The maintenance of this principle is an indispensable condition of our existence, under the present form of Government.

If we are engaged in any controversy with a foreign nation, it is not only the right, but it is the imperative duty, of the President to communicate the facts to Congress, however much they may operate against that nation. Can we then, for a single moment, permit a foreign Government to demand an apology from the President for performing one of his highest duties to the people of the United States?

Let us put an extreme case. Suppose the President, after giving a history of our wrongs to Congress, recommends not merely a resort to reprisals, but to war, against another nation; shall this nation, which has inflicted upon us injury after injury, be permitted to change her position, to cancel all our claims for justice, and to insist that we have become the aggressors, because a resort to arms has been recommended? I feel the most perfect confidence that not a single Senator will ever consent to yield this position to France or to any other nation. I need not labor this question. The subject has been placed in the clearest and strongest light by Mr. Livingston, in his letter to the Duke de Broglie of the 25th of April.

If any possible exception to the rule could be tolerated, surely this would not present the case. The Duke de Broglie himself, in his letter to M. Pageot, is constrained to admit that there is not a single offensive sentence respecting France in the message, but yet he complains of the general effect of the whole.

With a full knowledge, then, that the President could not, would not, dare not, explain his message on the demand of any foreign Government, the Duke de Broglie addresses his famous letter to the chargé d'affaires of France at Washington. It bears date at Paris, on the 17th of June, 1835. Before I proceed to make any remarks upon this letter, I wish to bring its character distinctly into the view of the Senate. It commences by declaring, in opposition to the principle that the President of the United States cannot be called upon by a foreign Government to make explanations of a message to Congress, that, "by virtue of a clause inserted in article first, by the Chamber of Deputies, the French Government must defer making the payments agreed upon until that of the United States shall have explained the true meaning and real purport of divers passages inserted by the President of the Union in his message at the opening of the last session of Congress, and at which all France, at the first aspect, was justly offended."

It proceeds still further, and announces that "the Government having discovered nothing in that clause at variance with its own sentiments, or the course it had intended to pursue, the project of law thus amended on the 18th April by the Chamber of Deputies was carried on the 27th to the Chamber of Peers."

The Duke, after having thus distinctly stated that an explanation of the message was required as a condition of the payment of the money, and after presenting a historical sketch of the controversy, then controverts, at considerable length, the position which had been maintained by Mr. Livingston, that the President could not be questioned by a foreign Government for any thing contained in a message to Congress. He afterwards asserts, in the broadest terms, that the explanations which had been voluntarily made by Mr. Livingston, and sanctioned by the President, were not sufficient.

In suggesting what would satisfy France, he says:

"We do not here contend about this or that phrase, this or that allegation, this or that expression; we contend about the contention itself, which has dictated that part of the message."

And again, speaking of Mr. Livingston's letters of the 29th January and 25th April, he adds:

"You will easily conceive, sir, and the cabinet of Washington will, we think, understand it also, that such phrases incidentally inserted in documents, the purport and tenor of which are purely polemical, surrounded, in some measure, by details of a controversy, which is besides not always free from bitterness, cannot dispel sufficiently the impression produced by the perusal of the message, nor strike the mind as would the same idea expressed in terms single, positive, direct, and unaccompanied by any recrimination concerning facts or incidents no longer of any importance. Such is the motive which, among many others, has placed the French Government in the impossibility of acceding to the wish expressed by Mr. Livingston towards the inclusion of his note of the 29th of April, by declaring [to the Chamber of Peers probably] that previous explanations given by the minister of the United States, and subsequently approved by the President, had satisfied it."

After having thus announced the kind of explanation which would be expected, he states that the French Government, "in pausing then for the present, and waiting for the fulfilment of those engagements to be claimed, (the engagements of the treaty,) and expecting those to be claimed in terms consistent with the regard due to it, is not afraid of being accused, nor France, which it represents, of being accused, of appreciating national honor by any number of millions which it could withhold as a compensation for any injury offered to it." The letter concludes by authorizing M. Pageot to read it to Mr. Forsyth, and, if he be desirous, to let him take a copy of it.

It is impossible to peruse this letter, able and ingenious as it is, without at once perceiving that it asks what the President can never grant, without violating the principle that France has no right to demand an explanation of his message.

On the 11th of September M. Pageot, the French chargé d'affaires, called at the Department of State, and read this despatch to Mr. Forsyth. The latter did not think proper to ask a copy of it; and for this he has been loudly condemned. In my judgment, his conduct was perfectly correct.

No objection can be made to this indirect mode of communication with the Government of the United States adopted by the Duke. It is sanctioned by diplomatic usage. The rules, however, which govern it are clearly deducible from its very nature. It is a mere diplomatic feeler, thrown out to ascertain the views of another Government. The Duke himself justly observes that its object is "to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in a direct controversy."

Had Mr. Forsyth asked and received a copy of this despatch, he must have given it an answer. Respect for the source from which it proceeded would have demanded this at his hands. If this answer could have been nothing but a direct refusal to comply with the suggestions of the French Government, then he was correct in not requesting leave to take a copy of it. Why was this the case? Because it would have added to the difficulties of the question, already sufficiently numerous, and would have involved him in a direct controversy, which it is the very object of this mode of communication to prevent. This is the reason why it was left by this despatch itself within his own option whether to request a copy or not; and his refusal to make this request ought to have given no offence to the French Government.

Now, sir, what answer could he have given to this communication but a direct refusal? Had not the Duke been fully apprized, before he wrote this despatch, that it could receive no other answer? It required explanations as a condition of the payment of the money, which he had been informed the President could never make. On this ground, then, and for the very purpose of avoiding controversy, the conduct of Mr. Forsyth was correct. But there is another reason to justify his conduct which, I think, must carry conviction to every mind. The President intended, in his annual message, voluntarily to declare that he had never intended to menace France, or to impeach the faith of the French Government. This he has since done in the strongest terms. As offence was taken by the French Government at the language of a former message, it was believed that such a declaration in a subsequent message would be, as it ought to be, entirely satisfactory to France. Had Mr. Forsyth taken a copy of this despatch, and placed it among the archives of the Government, how could the President have made, consistently with his principles, the disclaimer which he has done? A demand for an explanation would thus have been interposed by a foreign Government, which would have compelled the President to remain silent. The refusal of Mr. Forsyth to ask a copy of the despatch left the controversy in its old condition; and, so far as our Government was concerned, left this letter from the Duc de Broglie to M. Pageot as if it never had been written. The President, therefore, remained at perfect liberty to say what he thought proper in his message.

If this letter had proposed any reasonable terms of reconciling our difficulties with France, if it had laid any foundation on which a rational hope might have rested that it would become the means of producing a result so desirable, it would have been the duty of Mr. Forsyth to request a copy. Upon much reflection, however, I must declare that I cannot imagine what good could have resulted from it in any contingency; and it might have done much evil. Had it prevented the President from speaking as he has done in his last message concerning France, it might have involved the country in a much more serious misunderstanding with that Power than exists at the present moment.

I should be glad to say no more of this despatch, if I could do so consistently with a sense of duty. M. Pageot did not rest satisfied with Mr. Forsyth's omission to request a copy of it, as he ought to have done. He deemed it proper to attempt to force that upon him which the despatch itself had left entirely to his own discretion. Accordingly, on the 1st of December last, he enclosed him a copy. On the 3d, Mr. Forsyth returned it with a polite refusal. On the 5th, M. Pagoet again addressed Mr. Forsyth, and avowed that his intention in communicating the document "was to make known the real disposition of my Government to the President of the United States, and through him to Congress and the American people." Thus it is manifest that his purpose was to make the President the instrument by which he might appeal to the American people against the American Government. After he had failed in this effort, what is his next resort? He publishes this despatch to the people of the United States through the medium of our public journals. I now hold in my hand the number of the Courier des Etats Unis of the 20th of January, a journal published in New York, which contains the original despatch in the French language. In a subsequent number of the same journal, of the 24th January, there is an editorial article on the subject of the President's special message to Congress, and of this despatch, of a part of which I shall give my own translation. It is as follows:

"Our last number contained the despatch of M. the Duke de Broglie to the chargé d'affaires of France at Washington, concerning which the Senate had demanded such explanations as were in the power of the Executive. On the same day the late message of the President of the United States, which had been expected with so much impatience and anxiety, arrived in New York. To this document are annexed many letters of the Duke de Broglie, of Mr. Forsyth, and M. Pageot, which will be read with great interest. We give a simple analysis of the least important, and an exact copy of those which have been written originally in French.

"The public attention was first occupied with this letter of the Minister of Foreign Affairs, which was known here some hours before the message of the President of the United States; and if some journals of the Government have found this publication unseasonable, made by the legation of France according to the orders which it had received, nobody at least has been able to deny the talent, the moderation, and the force of reasoning, which have presided at its preparation."

By whom was the legation of France ordered to publish this despatch? Who alone had the power of issuing such an order? The French Government. Against this positive language, I can still scarcely believe that the Duke de Broglie has given an order so highly reprehensible. The publication of this despatch was an outrage upon all diplomatic usage. It ought to have been intended as the harbinger of peace, and not of renewed controversy. From its very nature it was secret and confidential. If not received, it ought to have been as if it never had existed. Upon any principle, it would aggravate the controversy which such communications are always intended to prevent. It has now been diverted from its natural purpose by the French legation, and has been made the subject of an appeal by France to the American people against their own Government. It has thus greatly increased the difficulties between the two countries. It has proclaimed to the world that France requires from the President of the United States an apology of his message as an indispensable condition of the execution of our treaty. It has, therefore, rendered it much more difficult for her to retract.

The true meaning of this despatch is now rendered manifest to the most skeptical. The Duke de Broglie, in his interview with Mr. Barton on the 12th of October last, has placed his own construction upon it. The apology which he then required from the President contains his own commentary upon this despatch. I need not read the history of that interview to the Senate, to prove that I am correct in this assertion. It must be fresh in the recollection of every Senator. Considered as an appeal to the American people against their own Government, the publication of this despatch deserves still more serious consideration. Foreign influence, in all ages, has been the bane of republics. It has destroyed nearly all of them which have ever existed. We ought to resist its approaches on every occasion. In the very infancy of our existence as a nation, a similar attempt was made by France. It was then repulsed as became a nation of freemen. The present attempt will have the same effect on the American people. It will render them still more firm and still more united in the cause of their country.

Of Mr. Barton's recall I need say but little. It was the direct consequence of the refusal of France to execute the treaty without an apology from the President of his message.

Diplomatic relations between the two countries had been first interrupted by France. On this subject hear what the Count de Rigny said in his expose, read to the Chamber of Peers on the 27th of April last, on presenting the bill for the execution of our treaty. I give my own translation:

"You know the measure which the Government of the King adopted at the very instant when the message presented by the President of the Union, at the opening of the last Congress, arrived in Europe. You know that, since that time, a similar measure has been adopted by President Jackson himself. The two ministers accredited near the two Governments are reciprocally recalled; the effect of this double recall is at this moment, if not to interrupt in all respects the diplomatic communications between the two States, at least to interrupt them in what regards the treaty of the 4th of July. If these relations ought to be renewed, and we doubt not that they ought, it is not for us hereafter to take the initiative."

On the 5th of June, the President had officially sanctioned the explanations which had been made to the French Government by Mr. Livingston in his letter of the 25th of April, as he had previously sanctioned those which had been made by the same gentleman in his note of the 29th of January. These were considered by the President amply sufficient to satisfy the susceptible feelings of France. In order to give them full time to produce their effect, and to afford the French ministry an ample opportunity for reflection, he delayed sending any orders to demand the money secured by the treaty until the middle of September. On the 14th of that month, Mr. Barton was instructed to call upon the Duke de Broglie, and request to be informed what were the intentions of the French Government in relation to the payment of the money secured by the treaty. He executed these instructions on the 20th of October. The special message has communicated to us the result. "We will pay the money," says the Duke de Broglie, "when the Government of the United States is ready on its part to declare to us, by addressing its claim to us officially in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France;" and he adds: "if the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error."

Is there any American so utterly lost to those generous feelings which love of country should inspire as to purchase five millions with the loss of national honor? Who, for these or any number of millions, would see the venerable man now at the head of our Government bowing at the footstool of the throne of Louis Philippe, and, like a child prepared to say its lesson, repeating this degrading apology? First perish the five millions—perish a thousand times the amount. The man whose bosom has been so often bared in the defence of his country will never submit to such degrading terms. His motto has always been, death before dishonor.

Why, then, it may be asked, have I expressed a hope, a belief, that this unfortunate controversy will be amicably terminated, when the two nations are now directly at issue? I will tell you why. This has been called a mere question of etiquette; and such it is, so far as France is concerned. She has already received every explanation which the most jealous susceptibility ought to demand. These have been voluntarily tendered to her.

Since the date of the Duke de Broglie's letter to M. Pageot, on the 17th June, we have received from the President of the United States his general message at the commencement of the session, and his special message on French affairs. Both these documents disclaim, in the strongest terms, any intention to menace France, or to impute bad faith to the French Government, by the message of December, 1834. Viewing the subject in this light—considering that, at the interview with Mr. Barton, the Duke could not have known what would be the tone of these documents—I now entertain strong hope that the French Government have already reconsidered their determination. If a mediation has been proposed and accepted, I cannot entertain a doubt as to what will be the opinion of the mediator. He ought to say to France, you have already received all the explanations, and these have been voluntarily accorded, which the United States can make without national degradation. With these you ought to be satisfied. With you, it is a mere question of etiquette. All the disclaimers which you ought to desire have already been made by the President of the United States. The only question with you now is not one of substance, but merely whether these explanations are in proper form. But in regard to the United States the question is far different. What is with you mere etiquette, is a question of life and death to them. Let the President of the United States make the apology which you have dictated—let him once admit the right of a foreign Government to question his messages to Congress, and to demand explanations of any language at which they may choose to take offence—and their independent existence as a Government, to that extent, is virtually destroyed.

We must remember that France may yield with honor; we never can, without disgrace. Will she yield? That is the question. I confess I should have entertained a stronger belief that she would, had she not published the Duke's letter to M. Pageot as an appeal to the American people. She must still believe that the people of this country are divided in opinion in regard to the firm maintenance of their rights. In this she will find herself entirely mistaken. But should Congress, at the present session, refuse to sustain the President by adopting measures of defence; should the precedent of the last session be followed for the present year, then I shall entertain the most gloomy forebodings. The Father of his Country has informed us that the best mode of preserving peace is to be prepared for war. I firmly believe, therefore, that a unanimous vote of the Senate in favor of the resolutions now before them, to follow to Europe the acceptance of the mediation, would, almost to a certainty, render it successful. It would be an act of the soundest policy as well as of the highest patriotism. It would prove, not that we intend to menace France, because such an attempt would be ridiculous, but that the American people are unanimous in the assertion of their rights, and have resolved to prepare for the worst. A French fleet is now hovering upon our coasts; and shall we sit still, with an overflowing treasury, and leave our country defenceless? This will never be said with truth of the American Congress.

If war should come, (which God forbid!)—if France should still persist in her effort to degrade the American people in the person of their Chief Magistrate, we may appeal to Heaven for the justice of our cause, and look forward with confidence to victory from that Being in whose hands is the destiny of nations.

Adjourned.

TUESDAY, FEBRUARY 2.

NATIONAL DEFENCE.

The Senate proceeded to the consideration of the unfinished business, being the resolutions offered by Mr. BENTON.

Mr. BUCHANAN addressed the Senate for about an hour, in conclusion of his remarks commenced yesterday; the whole of which are imbodied and given in preceding pages. When Mr. B. had concluded,

Mr. CRITTENDEN rose and addressed the Senate as follows:

Mr. C. said he was very sensible of the small claims he had upon the attention of the Senate, and felt that he should stand in need of all its indulgence.

The debate had been of a very discursive character, and had led to some discussion of the conduct of the Senate. In the course of it, the Senate had, with great solemnity, been accused of neglecting proper measures for the defence of the country, and of having defeated the passage of the fortification bill of last session. As he (Mr. C.) was not then a member, and having no personal knowledge of the circumstances and proceedings on which the accusation was founded, he did not intend to engage in the controversy on that part of the subject. He would say, however, that the confidence he had long entertained in the wisdom and patriotism of the Senate had induced him to anticipate that their conduct would be found to be free from any merited reproach or imputation. He had been confirmed in that opinion by all the disclosures that had been made in the course of this discussion. But, sir, (said Mr. C.,) the Senate of the United States needs not my poor vindication. It needs no man's vindication. It is the same Senate that for years past has maintained here the noblest struggle for our laws, our liberty, and our constitution. Its conduct is before the world. It belongs to history, and its brightest pages will be illuminated with the names of those illustrious Senators who were foremost in that great struggle. To the accusations and reproaches with which they have been assailed throughout the long period of their trial and their glory, they may safely turn their backs, and look proudly forward for the grateful judgment of their country and posterity. In the great reckoning on which that judgment will be pronounced, the "fortification bill" of the last session will be but an insignificant item, and the secrets of its fate will be considered too worthless for any inquiry or research.

But, sir, (said Mr. C.,) I am called upon to consider the resolutions offered by the Senator from Missouri, [Mr. Benton,] and to vote in favor of them seems to be exacted by some gentlemen as the only admissible evidence of patriotism and proper American feeling. Modified as these resolutions have been by the amendment of the gentleman from Tennessee, [Mr. Grundy,] they embrace, in the generality of their terms, room enough for almost every variety of opinion, and no Senator can probably feel any difficulty in voting for them. In the original form in which they were offered, they contained the distinct and simple proposition that the entire "surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States," should be appropriated and applied exclusively to warlike preparations for defence of the country, by the construction of fortifications, the procurement of cannon and arms, and the increase of our naval means. As amended, the resolutions require only that so much of those funds shall be appropriated to those objects as may be necessary. How much is necessary, is a question left entirely open. But it is evident, from the remarks of the Senator from Missouri, and from his ready acceptance of the amendment of the Senator from Tennessee, [Mr. Grundy,] that he considers that amendment as changing the phraseology, without altering the effect, of his original resolutions; and that, according to his view, the whole will be necessary, and ought to be applied to the warlike preparations recommended by him. This course of expenditure and warlike preparation, it must be recollected, is advocated by that Senator as a settled system of policy proper to be pursued in times of profoundest peace; for he tells us that he should equally urge and recommend it, if our difficulties with France (the only cause that threatens our peace) did not exist.

To this system, Mr. President, I am opposed, as unnecessary, unwise, and improper. For the necessary defence of our country I am ready to vote all the millions in your treasury, and ten times as much—ready to give every thing, and do every thing; and, if I were not, I should be a faithless representative of my constituents. But is the vast appropriation proposed by the Senator from Missouri necessary and proper for the defence of the country? That is the subject of inquiry.

The present surplus revenue, and the dividends of stock receivable from the Bank of the United States, cannot amount to much less than thirty millions of dollars, if it does not exceed that amount; and this, with all the surplus revenue that may accrue in future, ought, according to the Senator from Missouri, to be set apart and appropriated exclusively to the warlike preparations before stated.

I object to this appropriation as an unparalleled extravagance. If the real object is to get rid of all this treasure, as of a troublesome thing, a more objectionable scheme could scarcely have been devised. The proposition to apply to military purposes all the surplus public revenue of the people, seems to me to be only less extravagant than to call upon them for their ploughshares to be moulded into swords. There is no necessity or reason for such a sacrifice. The ploughshare is much better employed, and so, in my judgment, may also be the money.

It is to be remembered that all this money has been the produce of peace. Has Peace no claims upon it? Is she to be considered as a mere slave, toiling to prepare for war? And are all her accumulations to be expended in warlike preparations? Are these to be made the paramount objects of Government? I trust not, sir. Our country every where presents us with objects claiming the parental care and bounty of the Government. Let these have a share out of your abundant treasure, and let portions of it be, in some mode or other, returned to the people, to increase those sources of national wealth from which it came. I am willing, sir, to go on in the policy which the Government has heretofore pursued on this subject, and to vote for suitable and even liberal appropriations for the general defence and security of the country. Such appropriations have been constantly made, from the very origin of our Government; and from official documents it appears that, from the 1st January, 1817, to the 1st January, 1835, there has been expended on our military and naval establishments $40,655,458 37. Of this sum, $11,171,712 70 was expended on the navy, and the balance of $29,483,745 67 upon the military establishment; of which last sum $15,025,812 04 was expended on fortifications. But, not content with the customary and usual appropriations for these objects, the honorable Senator [Mr. Benton] now asks us to appropriate the whole of the surplus revenue. Besides other objections that I have to this scheme of policy, one of no small consequence with me is, that it in effect confines the whole expenditure of the revenue to the line of our seacoast, and cuts off the Western and interior States from the hopes they have indulged of a more equal distribution and expenditure of the public revenue. The financial operations of this Government have always been such that the money drawn from the West has been expended on other sections of the country. This has heretofore been a matter of necessity, resulting from the condition of the Union. But the national debt is now paid, and the time has arrived when we might justly expect a more equal participation in the disbursement of the public money. This just expectation seems to be fortified by every consideration that belongs to the subject. We have contributed our full portion of the public revenue, whether resulting from direct or indirect taxation; and, in addition to this, vast sums of money have been paid into the treasury from the West, for the purchase of public lands. Heretofore we have been thus constantly paying, and receiving back nothing. This course of things has operated as a perpetual drain upon the West, and nothing but its extraordinary natural resources could have enabled us so long to bear up prosperously against it. We cannot always do so.

Of the surplus now in the treasury, more than twenty millions are the proceeds of the sales of public lands within the last three years. I do not, sir, cherish sectional feelings or jealousies; I look upon the whole United States as my country; but still, while ready to serve the general cause, I must not entirely forget the special interest of my own particular section of country, and of my own constituents. And it does seem to me that the time has come when, upon every principle of policy and justice, I may claim for it and them some share in the accumulated riches of your treasury. But to the undoing of these expectations, and to cut us off from future hope, the Senator from Missouri [Mr. BENTON] proposes to seize upon and expend the entire surplus revenue on fortifications, the navy, &c.; thus continuing the old system, so exhausting to the West, of expending all the money received from it upon distant seacoasts. The unequal, and, as I think, unjust operation of such a course must constitute a strong objection in the minds of Western men.

I am willing to make the usual appropriations; to make liberal appropriations to the objects suggested by the gentleman from Missouri, and particularly for the navy: of that I am proud; I believe in its usefulness, and in its efficiency as a great arm of national power and defence. But, sir, I must confess that the fortifications suggested by the Senator [Mr. BENTON] are much less favorite objects with me, and that I shall vote, cautiously and with jealousy, any thing beyond the ordinary appropriations for them. Mr. C. said he had no great confidence in fortifications as means of national defence. In a few peculiar situations, and at a few points, they might, he supposed, be useful, and to that extent he was willing to go. But, from the magnitude of the appropriation now contended for, it was evident that the views of other gentlemen were not limited as his own were, and that it was designed to line our seacoast with a chain of fortresses that was to render us impregnable to an enemy. On such an extent of coast as ours the scheme is impracticable, if it were expedient. But he did not consider it expedient. The best and only sure defence of nations was the courage, the intelligence, and patriotism, of their people. Upon these must be our reliance in the hour of danger. The people is our bulwark; and the Government, by every act of wisdom and beneficence that increases their attachment to it and their prosperity, provides more effectually for national defence than by the erection of all the fortifications that could be built of brick or stone. His objection, as before stated, did not go to the comparatively few fortifications that might be necessary at particular points and situations, but to the extensive and costly system of fortifications that seemed to be designed for every assailable point of our coast. We did not, he said, stand in need of such defences. What enemy would dare to land on our shores? It may be necessary for the weak and the timid to labor, and toil, and expend their substance, in erecting walls around them for their defence. Such a course would be altogether inconsistent with the spirit, the power, and the policy, of this great republic. But suppose this scheme of fortifications completed, and our coasts girded with frowning battlements: what follows? You must have troops to garrison these fortresses. How many will this service require? Certainly a great augmentation of your present military force--a considerable army. And thus it will in the end turn out that the expenditure of millions in the erection of fortifications will fasten upon us the canker of a standing army, and entail upon the people a tax for the support of that army.

The policy of the honorable Senator, [Mr. BENTON,] by giving such paramount importance to all the preparations for war, seems to me calculated to give to our republic a military aspect, and dangerous tendency to war. The spirit of free Governments has always been sufficiently warlike. The pride and haughtiness of the republican character have ever been but too ready to kindle into war, and to seek for conquest. We need not stimulate that spirit. We have enough of it, and it will grow upon us, or there is no truth in history or philosophy. To moderate and restrain that warlike temper will be among the difficult tasks of this Government.

These views and considerations of the subject compel me to dissent from the policy recommended by the honorable Senator, [Mr. BENTON.] I am content to pursue the course that has been marked out to us on this subject by the former practice of the Government. We have had wars, and rumors of wars, and we shall have them again. But is it necessary, because of the possibility of occasional war, that we should be constantly clad in steel, and oppress ourselves with the weight of our own armor?

Sir, the Senator from Missouri [Mr. BENTON] has alluded to our present difficulties with France in terms calculated to excite our pride, if not our apprehensions; and has told us that our country is in a "naked," "miserable," and "defenceless" condition. It is with deep surprise that I heard such a declaration. How has it happened, how can it be, that our country is in so "naked, miserable, and defenceless a condition?" From the very origin of the Government such preparations as it deemed necessary and proper have been making for the security and defence of the country. And, from first to last, about two hundred millions of dollars have been expended upon our naval and military establishments. About twenty years ago we had a war with Great Britain; an enemy much more powerful and formidable, as it respects us, than France can be. We were then capable of resisting this more formidable enemy, and of successfully defending our country, its honor, and its rights. Since that war about forty millions of dollars have been expended upon our naval and military establishments. And let it also be remembered that, for the last seven years, the administration of this Government has been in the hands of a President renowned in war, and that the Senator from Missouri [Mr. BENTON] has been one of the leading supporters of that administration. Is it not then matter of surprise to hear that Senator, under all these circumstances, and near the close of such an administration, declaring the country to be in a "naked, miserable, and defenceless condition?" Sir, I must, in this particular, be the vindicator of the administration. I cannot agree in the opinion of the honorable Senator from Missouri, though sanctioned by the Senator from New Jersey [Mr. SOUTHARD] and some other Senators, that our country is in a "naked, miserable, and defenceless condition." Compare its condition now with what it was at the period of our last and glorious war with Great Britain. The issues of that war will prove that we were not even then in a naked, miserable, and defenceless state. Since that war we have expended forty millions of dollars upon our naval and military establishments. Our largest public vessels at that time were frigates. We have since increased their number, and have added to them some of the most formidable line of battle ships that the world ever saw. Since that war we have doubled our population, and now number about fifteen millions. Since that war we have paid off our national debt, and now have an overflowing treasury, an abundant revenue, and unbounded credit. Add to all this, that our country, throughout its wide expanse, is full of energy, and teeming with prosperity; and then, sir, let me proudly ask of any one, if it can be said of such a country that its condition is "naked, miserable, and defenceless?" No, Mr. President, we are not defenceless. Give us a just cause of war, and we have nothing to fear. In a just quarrel we can meet any and all enemies, without danger of overthrow or disaster. My confidence in this is such that, except for the protection of our great cities and the great channels of our commerce, it does not seem to me that fortifications are necessary. I utterly object to them as a system of national defence—a system for which, together with other warlike preparations, its advocates at once, and now, call upon us for all the surplus in our treasury, estimated at thirty millions, and all the surplus that may accrue hereafter till the object be completed—a system that must lead to a standing army, and perpetual taxes for its support; and which, to a great extent, must permanently limit the expenditure of the revenue to the maritime frontier, to the prejudice of all the interior country from which it shall be collected.

But, Mr. President, if I thought less unfavorably of the proposed system of fortifications and defence, I should still think it very impolitic to apply to it all our surplus revenue. Some of it at least should be given or applied to the peaceful pursuits of society, to invigorate and replenish the sources from which it came. We are not probably doomed to have more, upon an average, than one year of war to twenty of peace, and it would seem to me, therefore, to be most unequal and unwise to neglect entirely the objects connected with the peaceful prosperity of the country, and to expend all the surplus revenue that peace has furnished on objects connected with war. Better uses, I think, may be made of it than the multiplication of forts, and the purchase of superfluous arms to be hung up at rest.

Mr. C. proceeded to state that a variety of subjects had been introduced into this debate, upon some of which he wished to make a few remarks. The alleged defenceless condition of the country had been broadly imputed to the Senate. This imputation, however, had resolved itself into the comparatively petty charge of having, at the last winter's session, defeated the passage of the "fortification bill," as it is called. This charge has been denied, and an animated discussion has ensued as to the causes of its failure. Having no personal knowledge of the circumstances attending that bill, I can enter into no controversy concerning them; but, sir, I have been a curious and interested listener to the debate, and have made up my verdict on the case. That opinion is founded on none of the disputed questions or details of the controversy, but upon this admitted state of facts—that the bill was in progress after night of the 3d of March last; that the two Houses of Congress differed about some of the appropriations contained it; that the bill was likely to be lost in consequence of that disagreement; that, to avoid such a result, the Senate proposed a conference between the two Houses; that the conference was agreed to, and held by committees mutually appointed; that all the matters of disagreement between the two Houses were settled and agreed upon by these committees, and that each, as it was its duty, should report to its respective House, that the bill might accordingly pass; that the committee of the Senate did, without delay, make the proper report to that body; that the Senate was then ready and willing to act, and to pass the bill on the terms agreed upon; and so anxious, indeed, to do so, that, after waiting some time to hear from the other House, in whose possession the bill was, they sent a respectful message to that House to remind them of the subject; that there was some delay on the part of the committee of the House of Representatives, or its chairman, in making its report to that House; that the report was not made till about, or after, the hour of twelve o'clock at night, and that the House did not at all act upon it, owing to scruples of conscience on the part of some of its members in doing any thing after that hour of the night at which they supposed their congressional power ceased. As I have learned, and understand it, such is the plain and authentic history of the overt acts connected with the fate of this bill.

According to these facts, the Senate stands clearly acquitted, and the loss of the bill is imputable alone to the House of Representatives. It is not necessary to this conclusion to inquire or search for secret causes that may have prompted these scruples of conscience that destroyed that bill. It must be consolatory, I should think, to its patriotic friends here, who mourn so eloquently over its fate, to know, sir, that it died for conscience sake. All will, no doubt, admit that, to some extent, these scruples were very honest and sincere; but I grant, sir, that such a sudden and extensive ebullition of conscience may seem a little surprising, especially when it is recollected that it is against all former experience; that neither Washington, nor Adams, nor Jefferson, nor Madison, nor any of our former Presidents, nor any former Congress, ever indulged such scruples, or hesitated to act after twelve o'clock at night of the 3d of March, whenever it was necessary to the completion of the public business. But, sir, conscience does not go by precedents. Its ways are often mysterious and inscrutable; and after all, and notwithstanding all reasonings and precedents to the contrary, there is nothing, perhaps, unnatural or strange in those conscientious emotions which it seems interrupted the public business in the House of Representatives at the close of the last session. Remember, sir, that it was just about the hour of twelve, that witching time of night, when conscience, long pent up, and clogged with the politics of a whole session of Congress, would be most apt to break out, and make her "compunctious visitings."

Thus it is, Mr. President, as it seems to me, that the loss of the fortification bill is clearly accounted for; the Senate acquitted of its destruction, and the House of Representatives of the last Congress shown to have been the most conscientious and scrupulous with which the people of these United States have ever been favored.

I must say, Mr. President, that I have been not a little surprised at the great importance that has been ascribed to that bill, and at the sensibility that some gentlemen here have manifested at the bare recollection of its fate. I had supposed that this sensibility had been more confined to the seacoast, where the money was to have been expended; and to sorrowful contractors and undertakers, who were disappointed, perhaps, in their anticipation of good contracts and fat jobs. I am bound to state that, unpatriotic as such a want of sensibility may seem to be, there was not, in all the section of country from which I come, the least exhibition of popular distress, or even regret, upon the occasion. And if any of the Senators who are charged with having defeated that bill should be prosecuted for the offence, and can obtain a change of *venue* to Kentucky, they may be assured of a very impartial trial; for if there is any man there that made the fate of this bill a matter of any care, concern, or importance, I do not now recollect him. Yet Senators tell us here that a "tremendous responsibility" must rest somewhere for the loss of that bill. The process by which this "tremendous responsibility" is got up is curious enough. It is by supposing that, in consequence of the loss of the bill, the French had invaded our country, captured our cities, and destroyed our people.

Can any thing, sir, be more idle or extravagant than such suppositions—suppositions gravely made the basis of argument here long after they have all been contradicted by facts?

The French had no cause to invade us; we had no ground to apprehend such an invasion; and, in point of fact, they did not invade us, or capture our cities, or destroy our people. What, then, becomes of this imagined "tremendous responsibility," that has resounded so much and so fearfully in this debate?

Our present relations and our pending controversy with France have also (said Mr. Crittenden) been discussed at large on this occasion. That subject (he said) had for some time past created much concern and agitation in the public mind, and war was by many anticipated as the most probable result. For his part, he had not believed that war could be made out of such slender materials; but still he could not avoid all apprehension on the subject. The parties were in that state of irritation easily to be inflamed, and in which trivial circumstances might produce important consequences. In this critical situation of affairs, he was curious and anxious to know what measures were designed, and to be recommended by the Executive. It was (he said) in this anxious and listening mood that, on a former day of this debate, he observed with pleasure the honorable Senator from Tennessee [Mr. Grundy] rise to address the Senate on the subject. Whatever should fall from so distinguished a friend and supporter of the administration might, he supposed, be regarded as high evidence of the course intended to be pursued by that administration. He was, therefore, an attentive listener. That Senator, after discussing the grounds of controversy with France, and concluding that our Government had been in the right throughout, that France was in the wrong, and persisted in the wrong, then demanded "what was to be done;" and called upon Senators "to come up to the mark, and to say openly what they were for." This (said Mr. C.) was just the point on which I wanted to hear the gentleman himself. And when that Senator proceeded immediately to say "that, for his part, he had no objection to declare frankly what he was for," my attention was quickened to the utmost. The gentleman paused for an instant, as if to collect himself for the occasion, and then made his promised frank avowal, by stating "that he was not willing things should remain exactly as they were." You must judge, Mr. President, how I was enlightened and affected by this most frank and explicit disclosure. That Senator, sir, is an old and valued acquaintance, and I claim some sort of affinity with him as an old Kentuckian. Willing to reciprocate all good offices with him, I am determined that his extreme frankness on this occasion shall be fully reciprocated; and happy I am, sir, to be able to repay the obligation literally, by here declaring, as I now most conscientiously do, to that gentleman, [bowing to Mr. Grundy,] "that I am not willing that things should remain exactly as they are."

Mr. President, the belligerancy of this debate seems to have increased as the prospect of war has decreased. Since our last adjournment on Thursday or Friday, we have all heard of the offered mediation of Great Britain for the amicable settlement of our controversy with France, and of the acceptance of that mediation by our Government. This intelligence has diffused a general satisfaction, and an almost perfect assurance of the continuance of peace, and the restoration of all our former friendly relations with France. The honorable Senator from Pennsylvania [Mr. Buchanan] expresses his confidence that war will be averted; and yet, sir, at this very moment of returning peace and good will, that Senator has indulged in a hostile and reproachful strain of discussion. With rueful industry he has gone over the whole ground of our controversy, and all the diplomacy connected with it, collecting together every little circumstance, and odd end of speech, message, or correspondence, that could be made the subject of reproach or animadversion against France; and finally concludes with a charge of wilful bad faith against her King and Government. Why is all this? Mr. President. We have had an unfortunate dispute with an old friend. We are on the eve of an honorable reconciliation, and are about to shake again, in friendship, the only hand, among all the nations of the earth, that fought with us, and for us, in the battles of our Revolution. Why, at such a time, and on such an occasion, does the Senator [Mr. Buchanan] assume such a tone and language of insult and exasperation? Why insult the people of France by accusing their Government of bad faith? In the midst and heat of the controversy, our President has often and solemnly disclaimed the making of any such accusation. There was certainly much less reason for the Senator's making it, now that the contest is virtually ended.

But I remember, Mr. President, that the Senator differs very much with the President of the United States in relation to these French affairs. He thinks that the President has been altogether too forbearing and too moderate in his conduct towards France, and he openly expresses his disapprobation of that forbearance, and rebukes that moderation. Yes, sir, we have seen and heard the Senator from Pennsylvania—that land of honest peace and honest industry—the land of the peaceful Penn—gravely rebuking General Jackson for his gentleness and too great moderation. Nothing can be added, sir, to that picture.

The same Senator, further to aggravate the bad faith which he charges against the French Government for the failure to perform on their part the treaty of July, 1831, has represented that treaty as most favorable and beneficial to France, and states that, in consequence of the reduction of duties or taxes, stipulated for by that treaty, upon the importation of French wines and silks into our country, France has already pocketed $3,000,000 of our money, and was still reaping this golden harvest. If this be really so, what becomes of the much-boasted diplomacy to which we are indebted for that treaty? a treaty by which France has been enabled to pocket, and will continue to pocket, about $1,000,000 per annum of our money. But I think it must be very clear that the gentleman is entirely mistaken, and that his statement, though sanctioned, as he supposes it to be, by official authority from our Treasury Department, is altogether erroneous. It may be true that, if the importations of French wines and silks had been the same under the undiminished duties that they have been under the duties as diminished in conformity to that treaty, the difference, in point of revenue to this Government, might have been the same (three millions) stated by the gentleman. But it by no means follows that, because that sum has been prevented from going into our treasury, it has gone into the pocket of France. The gentleman has only mistaken the pocket into which it has gone, as will be evident to him on a moment's reflection. The chief effect of the reduction of duties on the articles of wines and silks has not been to put the amount of the reduction into the pockets of the importers of these articles, but to cheapen them to the consumer. And thus, sir, instead of transferring three millions of our money to French pockets, the principal effect of the diminished duties is to enable some poor girl to buy a silk dress, or some poor fellow to buy a draught of wine, which they could not otherwise do. Such an effect, I hope, would not be at all obnoxious to the Senator.

The same honorable Senator seems to think that it is, somehow or other, indispensable to our dignity and independence that we should, at all hazards, compel France to pay the sum of money which, by treaty, she owes us, and that her failure and refusal to make that payment reflect dishonor and disgrace upon us. Whenever it shall become necessary, Mr. President, I hope that I shall be ready—I know that my constituents will be ready—to go to every extremity of honorable warfare for the vindication of our country's dignity and honor. But I confess that I have not sensibility enough to discover how the honor and dignity of our country are much concerned on this occasion. I cannot perceive how our honor and dignity are to be affected by the failure or refusal of France to pay us the debt she owes. If the debtor fails or refuses to pay the debt he owes, the reproach, whatever it may be, falls upon him. Who ever heard that, in such a case, the honor of the creditor was supposed to be affected by the misconduct of the debtor? The non-payment by France of the debt she owes us seems to me to be a matter that affects our interest rather than our honor; and, therefore, that all questions as to measures of redress, by war or otherwise, are merely questions of expediency for our own discretion to determine.

I agree with the honorable Senator [Mr. Buchanan] that France owes us twenty-five millions of francs, being something less than $5,000,000, and that she assigns an insufficient reason for withholding payment. But this is the whole head and front of her offending. We have no other complaint against her. Would it be expedient and proper for us to make war for such a cause? There is no other cause of complaint on our part France has in no way offended against us, on this occasion, except only by her failure to pay the money in question. Shall we go to war to enforce its payment? It is needless to discuss the question. Thank God, the danger of this war has passed by, and we have, as I believe, an almost certain assurance of reconciliation and peace with France. Such an issue of this controversy cannot be regarded otherwise than as a matter of public congratulation. If war had been its result, I should have contributed all that was in my humble power to render my country successful in that war. War of itself would have been a sufficient reason with me to take my country's side, without reference to its cause. But, sir, I must confess that I should have been most loth to witness any such a war as that with which we have been threatened. A war with whom, and for what? A war with France, our first, our ancient ally—whose blood flowed for us, and with our own, in the great struggle that gave us freedom and made us a nation. A war for money! a petty, paltry sum of money! I know of no instance, certainly none among the civilized nations of modern times, of a war waged for such an object; and, if it be among the legitimate causes of war, it is surely the most inglorious of them all. It can afford but little of that generous inspiration which, in a noble cause, gives to war its magnanimity and its glory. War for money must ever be an ignoble strife. On its barren fields the laurel cannot flourish. In the sordid contest but little honor can be won, and victory herself is almost despoiled of her triumph. If we should attempt, by war, to compel France to pay the money in question, none who know the two nations can doubt but the contest would be fierce, bloody, and obstinate. Suppose, however, that our success is such as finally to enable us to dictate terms to France, and to oblige her to pay the money. Imagine, Mr. President, that the little purse, the prize of war and carnage, is at last obtained. There it is, sir, stained with the blood of Americans, and of Frenchmen, their ancient friends. Could you, sir, behold or pocket that blood-stained purse, without some emotions of pain and remorse?

I will follow the subject no further.

Permit me, Mr. President, in conclusion, to express my thankfulness for the hope and confidence I now entertain that we are to be saved from the calamity of such a war. And I will, sir, indulge the further hope, that the amicable settlement of all our difficulties with foreign nations may contribute to restore more harmony to our councils here, and enable us, in a more fraternal spirit, to act together upon the great subjects of domestic policy in which the permanent interest and prosperity of our common country are more immediately concerned.

On motion of Mr. MANGUM,

The Senate adjourned.

Wednesday, February 3.

FRENCH AFFAIRS.

Mr. HILL offered the following resolution; which lies one day on the table:

Resolved, That the President cause to be communicated to the Senate, so far as there may be information in the Department of State, the number and amount of claims for spoliations, presented to the commissioners under the French treaty of 1831, which were rejected, and the reasons for said rejection.

Mr. CLAY rose to make a proposition to the Senate, which, although informally put, he hoped would meet with no objection. The press of business was likely to embarrass the Senate, unless some mode were adopted to get through some part of it. He hoped that the Senate would consent to devote Friday next to the consideration of those bills, without the necessity of changing the rule. If it were to be considered as the general understanding that Friday next will be devoted to these bills, he would make no specific motion on the subject.

Mr. KING, of Alabama, said he hoped such would be the general understanding.

The CHAIR. The Chair will so understand it.

On motion of Mr. CLAY, the previous orders were postponed, in order to consider the resolution he offered some days since, calling for information from the President, which it was necessary that the Committee on Foreign Relations should have before it. The resolution was accordingly taken up, as follows:

Resolved, That the President be requested to communicate to the Senate, if they be at his command, copies of the expose which accompanied the French bill of indemnity from the Chamber of Deputies to the Chamber of Peers of France on the 27th of April, 1835, and of the report of the committee presented to the Chamber of Peers on the 5th of June, 1835; and, also, a copy of the original note in the French language, from the Duc de Broglie to Mr. Barton, under date of the 20th October, 1835, a translation of which was communicated to Congress with the President's special message of the 18th January, 1836.

Resolved, also, That the President be requested (if not incompatible with the public interest) to communicate to the Senate a copy of a note, if there be one, from Mr. Livingston to the French Minister of Foreign Affairs, under date of the 27th day of April, 1835, and copies of any other official note addressed by Mr. Livingston, during his mission to France, either to the French Minister of Foreign Affairs or to the Secretary of State, not heretofore communicated to Congress.

Mr. KING moved to amend the resolution by adding the following:

Resolved, also, That the President be requested to communicate to the Senate an analytical abstract of the awards of the commissioners under the convention with France of July 4, 1831, with the amounts respectively awarded to each category, for which indemnification was acknowledged to be due by Mr. Dumas, in his report to the French Chamber of Deputies on the 28th of March, 1835.

Resolved, further, That the President be requested to cause an estimate to be furnished to the Senate, showing the probable advantages already derived by France from the execution of the treaty of July 4, 1831, on the part of the United States, and also under the laws of the United States gratuitously favoring French commerce.

Resolved, further, That the President cause to be communicated to the Senate any information under the control of the Executive on the subject of discriminating duties imposed by France unfavorable to the commerce of the United States.

Mr. CLAY accepted the amendment as a modification, and it was agreed to.

The resolutions were then adopted in their amended form.

EXECUTIVE PATRONAGE.

An act to repeal the first and second sections of an act to limit the term of office of certain officers therein named was read a third time.

Mr. MORRIS asked for the yeas and nays on the passage; which were ordered.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Black, Clay, Calhoun, Clayton, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Tyler, White—23.

NAYS—Messrs. Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Knight, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Wall, Wright—20.

NATIONAL DEFENCE.

The Senate proceeded to consider the resolutions offered by Mr. BENTON; when

Mr. MANGUM rose and said that, until very recently, it had not been his purpose to participate in this debate. Indeed, the resolutions immediately under consideration admitted of but little discussion and slight diversity of opinion.

The first resolution, in its original form, was novel, bold, and decided, and, in his opinion, eminently inexpedient. It bore the impress of its paternity. As it is now modified, at the suggestion of the Senator from Tennessee, [Mr. GRUNDY,] it imbodies one of that gentleman's felicitous conceptions, importing nothing definite, presenting nothing tangible, disarming resistance, because it disarms itself. It is a smooth jingle of words, awakening no precise idea, indicating no defined practical views, and sinking entirely out of sight those bold and novel features that characterized its original form. It now presents one of those comfortable positions on which either wary or scrupulous gentlemen may stand well screened from responsibility, and say "ay" or "no" with equal impunity. It is now like nothing but itself, unless it may be likened to the Senator from Tennessee, so far as it affirms that things "ought not to stand exactly as they are." When we shall come to divide upon it, if we shall vote upon it at all in its present form, gentlemen will find it difficult, having regard to its merits, to discover any motive for its support, or to suggest any precise and decisive reason wherefore it should be rejected. Unimportant as are these resolutions in themselves, they have been made the occasion of discussing much higher and graver matter. Gentlemen had taken a wide and discursive range, and touched every topic that could supply materials for taunt, crimination, and injurious comment.

The Senate had been assailed for refusing the supply of the three millions on the last night of the last session. Our foreign relations, and especially the French war, had been elaborately discussed, and the surplus revenue had been assailed with a vigor proportioned to the magnitude of the prize. In truth, thirty millions of surplus revenue, and the future surpluses accruing from year to year, are a great prize. To retain the surplus, and an unchecked control of it, is to retain power in the hands of the present holders, and to wield it with an unresisted and irresistible domination, in defiance of constitutional right, in scorn of ancient usages, and in contempt of a dignified moderation.

Mr. M. said he had disapproved the direction given to most of the debate by those with whom he usually acted. He had all along felt that Senators exposed themselves to the suspicion of feeling a sense of weakness in their position, when they suffered themselves to be arraigned here by a Senator, and they seriously and gravely set about defending themselves against the charge. As to his vote upon the three million supply, it was right. His first impression, strong as it was, had been strengthened by mature reflection and subsequent developments. Upon that vote of the Senate depended the uniform usage of Congress, the integrity of the constitution, and the peace of the country. He would not, therefore, submit to be arraigned either by Senators here or by the other House, or, strange as it might sound to willing ears, by the Executive itself. He would submit to arraignment by no power under Heaven, save that constituent body in North Carolina to which he always felt amenable, and to which he owed and cherished all duty and respect. Nor would he undertake the disgusting task of delineating the history of the three million supply, its rise, progress, and fall. Its career was brief and eventful, conceived in profligacy, nurtured by empiricism, and brought to its death by sinister designs and crooked policy. The fabled god that devoured his offspring was not more cruel than the projectors of this outrage upon the constitution, the treasury, the pacific relations, and the patience of a betrayed and insulted people. Who doubts that this fruit of intrigue was crushed by the hand of its parent?

Mr. M. said he should take his stand upon higher ground. There was no necessity for any extraordinary appropriation. To the close of the last session there had not been a word or movement, on the part of France, indicating hostile purpose; nor has there been to the present moment. Not a man, woman, or child, in the United States, apprehended war at that time, and, least of all, that the first hostile demonstration would be made on the part of France. It is true that, at the opening of Congress in December, 1834, the President had thrown a fire-ball into the halls of Congress. The question of reprisals upon French commerce was distinctly submitted to Congress. Every one of the least intelligence knows that reprisals by one Power upon the commerce of another, supposing them to be at all equal in the resources of defence and annoyance, are as necessarily connected with war as is the shadow with the substance.

Did that message find an echo in either branch of Congress? Did its recommendations find favor with any party, either in or out of Congress? Did not the Senate, by a unanimous vote, resolve that no legislative measure, under the existing circumstances, was necessary? Was there a single individual in this body found pliant enough to flatter the peculiar views of the Executive by compromiting the peace of the country?

Did not the other House, at the very close of the session, by unanimous vote, abstain from any specific recommendation indicating the slightest apprehension of collision? Above all, did the Executive itself, high strung as it was, indicate to Congress any new cause of apprehension, or new development, requiring extraordinary appropriations for defence and protection? If any such new cause existed, was it not the bounden duty of the Executive, charged as he is by the constitution with the care of our foreign relations, to make it known officially to Congress? Will Senators press upon us a state of the question that must necessarily imply a defect of sagacity in the Executive, or a plain dereliction of duty? Such is the inevitable consequence. For, if cause for extraordinary defences existed, the Executive either did know, or ought to have known it. If he did know it, and failed to apprize Congress of it, it was a flagrant dereliction of duty. If he did not know it, he was discreditably deficient in vigilance, sagacity, and forecast. The truth is, no such cause existed, nor is there the least ground for imputing to the President, in this respect, either dereliction of duty or deficiency in sagacity.

Whence came the recommendation for the supply of the three millions, and for what purpose did it come? It did not come from the Executive; it did not come from any head of Department; nor did it come re-enforced by the deliberate judgment of any committee. It came under cover of the darkness of the last night of the session, upon the individual responsibility of a member of another body, [Mr. Cambreleng.] As it was sprung upon us under the cover of night, so its mysterious end is enveloped in impenetrable darkness. Half of the whole truth has not been told; sir, it never will be told. And, sir, what sort of authority is this, upon which the Senate is required to vote this appropriation? To vote a supply extraordinary in amount, unconstitutional in its form, in the absence of estimates, and, above all, in the entire absence of the least necessity, either shown or alleged, upon any exhibition of fact? This sort of authority may be deemed sufficient by the "faithful." To me it comes with no title to respect, and scarcely with claim to a decent forbearance. And for what purpose did it come? Was it to sooth the roused sensibilities of the Executive? Was it designed as balm for feelings wounded and pride chafed by discomfiture? Was it intended as an equivalent for the refusal of reprisals? As a delicate mode of flattery, by the strong expression of unlimited confidence, implied in the unconditional surrender of the purse, the sword, and the constitution? Did it look incidentally to the providing of a contingent fund for the summer campaign? To enlist recruits, and to carry the ballot-boxes by fraud or by force? And did it not look to the embarrassing of an eminent Senator on this floor, [Mr. White,] "the Cato of East Tennessee?" Sir, the position of this pure and distinguished Senator may well arouse the fears, excite the hatred, and put in motion all the puppets, "Punch, the devil, and all of them," that play in this great presidential game. Well may intrigue be afoot, and under the cover of night. It never had more motive and greater necessity to make a desperate push. The watch-fires are kindling on every hill, from the Potomac to the Balize. The White banner is unfurled; countless crowds are thronging to that standard. The Albany banner yet waves its motley folds over the "disciplined and the faithful." But even discipline begins to quail before superior numbers. That banner begins to bow, and will yet be draggled in the mire, if the Hero of New Orleans come not to the rescue. Yes, sir, to the rescue. To turn his back upon the honest, the steadfast friend of forty years—a friend through good and through evil report; the same firm, fast friend in the log cabin of the wilderness as in the marble walls of a palace: a friend too proud and too pure to stoop to sycophancy, too honest to flatter, and too straightforward for the crooked ways of modern policy. To turn his back upon this friend, and for whom? For one that the hero took to his bosom as of yesterday. One who spurned him in the hour of tribulation; who would have trod upon him in his first painful struggles for power, but who has a quick eye for the rising sun, and the smooth tongue of flattery for the ear of power. If such injustice shall be found in the heart of man, I feel a strong assurance that it will find no echo in the bosoms of a just and generous people. Give us but an open field, a fair contest, the people's money locked in the strong box, and the hands of power off, and we promise to give a good account of the intriguers on the south of the Potomac. We shall drive them out. They will find no foothold in Maryland, in Delaware, and, least of all, in the great and glorious "key-stone State." They may be safe in the North, and the strong holds of the empire State, but the presidency and the country will be safe from the contamination of their systems, and the blight of their tortuous and sinister policy. But to return. Suppose the three millions had been granted, does any one doubt that we would have been in war? By the phraseology of the grant, both the means and the implied discretion would have been placed in the hands of the President. The French Chambers had taken a false position. The French Government had solemnly stipulated the payment of the twenty-five millions of francs. It had not complied; the delay had produced irritation; the message of 1834 had taken very strong ground; strong expressions were used. The French Government took offence—recalled its minister here—offered passports to ours at that court. The law for complying with the stipulations of the treaty was passed, with a condition annexed not found in the treaty, nor contemplated by it; with a condition that satisfactory explanation of the President's message should be given before the payment should be made. All this was clearly wrong. The position is utterly untenable. I, for one, (said Mr. M.,) as an humble American citizen, protest against all or any explanations, in any manner or form whatsoever. If France has any ground of complaint, let her first perform her own duty, pay the money solemnly stipulated by treaty, and then, and not till then, demand reparation for any injury, real or imaginary, to the French Government and people.

In that event, I doubt not that the justice and magnanimity of this Government will do every thing compatible with its honor to remove heart-burnings and ill-will. In that event, we may well do it, without seeming to be stimulated by low and mercenary considerations. Looking to the actual position which France assumed, suppose the three million supply had been granted, accompanied with unrestrained discretion, what would have been the consequence? Is not the probability strong, nay, is it not almost certain, that measnres would have been adopted that would have brought war? Look to the history of this matter. On the 11th September last, the Duc de Broglie caused to be laid before the Executive of this country a paper drawn with signal ability and fairness, and obviously designed as a pacific overture to this Government, and seeking the means of escape from a false position. What was the reception given it? High, cold, and haughty. Breathing any thing but the calm and conciliatory spirit of that overture. In three days afterwards, on the 14th, this Government sent peremptory instructions to our chargé d'affaires at Paris to leave that Government forthwith, in case the money should not be paid: an order hastily, and, in my judgment, rashly given—cutting off every channel of communication between the two Governments. Sir, if the three millions, with the implied discretion contained in the proposition for the grant, had been at the disposition of the Executive, might we not have looked for measures as strong as those recommended at the previous session? And would not those measures have brought war? Sir, what have been the conduct and tone of Senators in the confidence of the administration during this session?

The Senator from Missouri [Mr. BENTON] has brought forward resolutions looking not only to the thirty millions now in the treasury, but to the expenditure of all accruing surpluses in future years, for the fortification and the arming of our Atlantic frontier; contemplating a gigantic scheme, hitherto not dreamed of, and the expenditure of countless millions for defence alone, as if, in this enlightened age, war were the only object and purpose of mankind. The teeming abundance of the times, instead of seeking investment in those great lines of internal communication; instead of giving strength, wealth, happiness, and ornament, to the finest country under the sun, and impulse to the spirit of enterprise; in a word, instead of being distributed among the States for the purpose of consolidating and strengthening all the permanent interests and ties of social life—this abundance is to be poured out upon the maritime frontier, in the construction of fortifications, to frown defiance towards all the world. A scheme well worthy of the spirit of the iron age! And these resolutions are accompanied with a speech mild, subdued, and guarded in language, but breathing the furious war spirit of Mars himself. Then follows the Senator from Tennessee, [Mr. GRUNDY.] It is difficult to determine whether his voice is for war, or still for peace. There is no one but must perceive that he means to whip up, and keep in the front ranks of the administration, go where they may. We learn the fact, portentously announced, that he is not willing "that things shall remain exactly as they are." In the midst of this discussion, which seems well pitched to bring the public mind up to the war point, there comes the offer of mediation by the Government of Great Britain.

Never has so beautiful a scheme of operations been so completely marred by an unlucky incident. War, war, horrid war, engrossed every mind, and employed every tongue. A French war was preferred, if we could have the good luck to get it. At all events, we must have a war. If not a French war, the treasury has charms—a war upon that, as well as the Senate, may afford an amusing interlude in these "dull piping times of peace." This magnanimous offer of mediation on the part of Great Britain, it is understood, has been accepted by this Government; indeed, it could not be refused. In this state of things, when every consideration of delicacy, in connexion with our own honor, as well as the feelings of the mediator, would seem to dictate, if not profound silence, yet entire abstinence from every topic of irritation or offensive allusion, the Senator from Pennsylvania [Mr. BUCHANAN] rises in his place, and delivers the most elaborated and high-toned war speech that has been heard in this Capitol since 1812. He charges, directly and unequivocally, dishonorable equivocation and bad faith upon the French Government, in terms the harshest and most offensive. He goes a bow-shot beyond any thing said by the Executive.

Sir, I regard the Senator's speech as an exposition of the views and feelings of the Executive. We perfectly understand the division of labor among the leaders of the party in power. Is it not known that the Senator from Missouri [Mr. BENTON] has in charge the "better currency," the bank rags, the yellow jackets, and the public domain? The Senator has strangled the monster, more fearful than the fabled Lernæan hydra, or, rather, he has cut off its head; but I fear he has not skilfully cauterized the wound. The monster seems to be in process of resuscitation, as well as hundreds of other smaller but pernicious monsters that seem to have sprung from its blood, sprinkled by the Hercules in the struggle for its decapitation.

I trust the Senator will inform us, at some early day, how the experiment of suppressing bank rags, and increasing the circulation of the gold currency, succeeds. I suppose the proportion of paper money to the precious metals in circulation does not now exceed more than three or four times that which existed half a dozen years ago. In other words, I suppose the fictitious capital is not more than three or four times greater in reference to the actual capital than it was six or seven years ago. As this is an interesting experiment, under the scientific superintendence of the Senator, I trust he will give us such lights from time to time as his leisure and convenience may allow. I frankly confess that I am not without fear that the rapid and unexampled augmentation of fictitious banking capital portends throes and convulsions that may shake the prosperity of this country with the force and destructiveness of an earthquake.

Do we not likewise understand that the Senator from New York [Mr. WRIGHT] has in charge all the peculiar and especial interests of the Albany regency throughout the Union? And have we not all admired the skill and dexterity with which he manages and controls this intricate and complicated machinery?

And who does not know that the Senator from Pennsylvania [Mr. BUCHANAN] has charge of our foreign relations? His wary sagacity and polished diplomacy, deriving strength and ornament, as they do, from a long experience, indicate the wisdom and fitness of the choice. Therefore, upon this subject, I take his speech as indicating truly the tone and temper of the Executive. I have alluded to the harshness and offensiveness of the matter and manner of that speech, as well as to the time and the circumstances under which it was delivered. Sir, Mark Antony's speech over the dead body of Cæsar was a perfect failure compared with that of the Senator. But Mark Antony was "a plain, blunt man," whereas the Senator is an eloquent and practised diplomatist. He shows us the wounds of our sweet country's bleeding honor, "poor, poor, dumb mouths," and, surpassing the skill of Antony, he "puts a tongue in every wound," which aforesaid tongues discourse so eloquently that they "move the very stones to mutiny;" and my friend from Kentucky [Mr. CRITTENDEN] may look out for his "ploughshares," lest they be converted, in the twinkling of an eye, into Bowie knives and the most approved hair-triggers; and, strange to tell, all this display of eloquence and exhibition of elaborate skill in fixing perfidy upon the French Government at the very instant that our Government is accepting, yes, accepting, perforce, the offered mediation of the British Government. Does the Senator suppose that, when his speech shall assume a neat pamphlet form, if the President, amusing himself with his franking privilege, as is his wont, should perchance frank a copy to his brother Louis Philippe, it would materially contribute to the success of the mediation? Does the Senator desire war, or does he desire peace? If the latter, I can perceive no reason for keeping up this show of war, unless it be to subject the surplus revenue to a sort of legislative plunder. Sir, war is resolved on, if war can be had under circumstances to carry with it the patriotic feeling and the enthusiasm of the country. But war will not come. Thank God! war cannot now come. I have never felt a stronger reliance than at this instant, that an overruling and favoring Providence, which has made this great country what it is, will continue to it prosperity and greatness.

I think I see, in the divided and peculiar interests of the great sections of the dominant party, the surest guarantee of continued peace. I think I see, what I never expected to see, much good, yes, the blessings of continued peace, likely to come from the peculiar and selfish interests of the worst party that has ever threatened the prosperity of this country with its terrible scourge. Such are the glorious ends that a gracious and benign Providence works out by the employment of the meanest and basest instruments. But, sir, if, contrary to all my anticipations, war shall come, whatever may be my opinions of the wretched bungling or wicked designs of its authors, I shall regard it as no longer a party matter, but as a great national question, demanding the zealous co-operation and best energies of every American citizen. I shall feel it my duty, in whatever position I may stand, to lend my humble aid to the concentration of all the resources of the country to give vigor to the public arm, and to sustain, gloriously sustain, the national character.

But, sir, I repeat that war will not come. The heads of the dominant party have peculiar and divided interests, and, consequently, divided and conflicting counsels. The present head of the Government, high-toned bold, daring, impatient, and eminently warlike, is obviously bent upon bringing France to his feet, or trying the hazards of war. His peculiar views are re-enforced and sustained by a numerous, powerful, and, for the most part, interested corps. Almost the entire official corps, the anxious expectants of place, and the greedy seekers of jobs and contracts, will be found on the side of the strongest executive measures. War necessarily brings with it vast accessions of power to the executive branch of the Government—vast accessions of officers and employees to the public service, and a corresponding increase in the expenditure of public money. Besides, the army and the navy, opposite in every thing to the mercenary tribe to which I have alluded, will be found on the side of war. Their high military spirit, their love of enterprise, their aversion to the "cankers of a calm world," and their devotion to glory, naturally and necessarily place them on the side of war. "'Tis their vocation." "The pride, pomp, and circumstance of glorious war" have charms for the soldier not to be resisted. We are upon the eve of a presidential election. The present head of the Government, brave, bold, and warlike, is yet surrounded with the halo of glory won in many a stricken field. I have not heard that the nominee for the succession is particularly distinguished either for military spirit or military achievement. Though he reposes under the shade of the laurels that have sprung up on the glorious field of New Orleans, yet I have not learned that he has moistened their roots with either his sweat or his blood.

Suppose war should come, and the presidential election at hand—who would be called to the helm of the vessel of state, that she might ride out in safety the storm and the breakers ahead?

Sir, the lion is a noble animal; the tiger is a powerful and fearful one; the fox is cunning, stealthy, subtle, remarkable for his doublings and nimble dexterities. The lion is lord of the woodland domain, in peace as well as in war. If, perchance, an alliance should be formed between the lion and the fox, (a most unnatural one,) or between the tiger and the fox, (less so,) it is easy to perceive that, in time of peace, the subtle reynard might rob half the tenants of the wood, and, by nimbleness of foot and dexterity in doubling, reach without harm his noble ally, lay his spoils at his feet, and crouch down at his paws for security and protection. But if the woodland domain should be awakened by the notes of war, and the tenants of the wood should prepare for the conflict, while the lordly lion would shake the dew-drops from his mane, and rouse to maintain his ancient supremacy, the cunning little fox would hie him away to the cleft of some rock, from which he might securely scan the dangers and devastation of the battle-field.

Who would be best qualified to lead on in a war with France? The French are known to be a gallant, warlike, and powerful nation. Our national pride, national honor, and national safety, would all be staked upon the issue. Might not the people, by universal acclamation, call to the head of the Government the bravest, the ablest, and most warlike? Would any eye be turned in the hour of danger upon the buzzing favorites "in the perfumed chambers of the great?" Would not a common sense of danger beget common counsels, looking to energy and ability as the best hope for honor and safety? It is in the contemplation of this state of things, of the imminent dangers to the designated succession in the event of war, that I see, or think I see, the safest guarantee for a continuance of peace.

If all apprehensions of the French war shall pass from men's minds, yet a war of subjugation will be waged upon the Senate. The dangers of this war, though less exigent, are but little less interesting to the calm and philosophical observer of the tendency of political events.

Sir, the issue of this great struggle is to determine the fearful question whether this Government shall retain its ancient federative character, such as the framers of the constitution designed it to be, or whether it shall be ingulfed in the great Maelstrom of consolidation. It is to determine whether the sovereignty of the States is a mere ideal, visionary conception, or whether it is a sensible practical barrier against the excessive action of irregular power. In a word, it will determine the question of ascendency between well-regulated liberty and the irregular excesses of irresponsible power. Sir, this contest is most unequal, whether viewed with reference to the characters of the parties to it, or with reference to their resources for defence, annoyance, or open assault.

The Executive is essentially active, the Senate necessarily passive. The Executive, in its very unity, possesses a great element of strength. As an emanation from the popular will, it possesses great power, because of its popularity. The power of nomination and appointment, and, yet more, the power of removal from office, secures support, and subdues the spirit of resistance. It has the expenditure of vast amounts of public money in various forms, the power of creating hope and expectation in the distribution of patronage, and the distribution of money to favorite contractors. The glitter of office, rank, and station, may be held up to tempt the ambitious, and the glitter of gold to tempt the mercenary. These great and various powers, centred in a single individual, upheld and controlled by a single will, capable of indefinite expansion and the minutest contraction, like the proboscis of an elephant, now tearing up an oak by the roots, and now picking up a pin; now overawing and subjugating a State Legislature, and now subsidizing a political hack; and all this re-enforced and sustained by an unscrupulous press, acting in perfect concert, re-echoing the word of command from the centre upon every hill and in every vale of this great confederacy; against the shafts of which a long life of virtue and integrity afford no protection, but the higher and more shining the merit, the more certainly will the poisoned arrow be sped—against all this fearful array of power and influence, how can an individual, or how can the Senate, expect to escape the doom already denounced against them?

The Senate, on the contrary, is merely passive; it has no patronage or gold to tempt the ambitious or mercenary. It possesses none but mere conservative powers. It is a mere staying power—a sort of political breakwater—resisting on the one side the excessive ebullitions of executive ambition, and the waves of a temporary popular fury on the other. The individual Senators have no sympathy or encouragement beyond the limits of their respective States, nor, indeed, there, unless they be pliant, or unless, what can hardly be expected, the virtue and intelligence of the people shall be able to resist this formidable array of executive power and influence.

In its legislative character, it is merely co-ordinate with the other branch of Congress. In its executive capacity, it must either follow the lead of the Executive, or be driven to the exercise of odious and unpopular powers. In the former case, it derives no strength, as there is no ascription of merit; in the latter, it has to encounter the denunciation of the Executive, its retainers, and disappointed nominees. Is it not wonderful that, in this unequal contest, the Senate, planting itself upon the ramparts of the constitution, has been able to hold out so long against an Executive as remarkable for his popularity as for the fury of his assaults? Right or wrong, does it not afford consoling evidence of individual firmness and integrity? Does it not manifest on the part of Senators a confidence in the ultimate right judgment of the people, as refreshing to our hopes as it is complimentary to the intelligence, good sense, and virtue, of our countrymen?

The events of another year, though they may not solve, yet they may throw much light upon this interesting problem. If the Senate shall be permanently broken, either by direct action upon it, or indirectly, through the State Legislatures, one of the great safeguards of liberty will have fallen. The direct and inevitable tendency will be to the centralization of all political power.

If there be any truth in political science, perfectly clear it is that centralized power is but another name for despotic power. Precisely in proportion as you centralize, in the same proportion do you approach absolute power. Power begets power, and a tendency to centralization, in the long run, will reach that point.

To render power innocuous, it must be broken up into fragments, and such a distribution made of it that, without the power of one department to control another, it may yet check and stay its action. To stand still is safe. To move onward with the concurrence of all the parts is accomplishing the highest object of Government. But for one department to be endowed with the strength of silencing or dragging on all the others, *per fas aut nefas*, willing or unwilling, is to consummate the highest disasters of an irregular and despotic Government. Opposing powers in politics are not unlike opposing powers in physics. By delicate adjustment, perfect harmony may be preserved, and a just equilibrium attained. If, in the distribution of power, all the great interests that Government is designed to protect shall be fairly represented, and that representation shall be so adjusted, upon organic principles, that no interest can act on another without the concurrence of a majority representing each and every interest, it would present a scheme corresponding to our highest conceptions of a just and wise Government. The history of all ages, and of all Governments, shows that where power has been centralized, there it has been absolute; and that liberty, in every country, has borne a direct proportion to the equality and skill with which opposing though not conflicting powers have been distributed. The characteristic difference between the Governments of Asia and Europe is, that, in the former, there is a centralization of power, and, of course, the dead level of despotism; in the latter, power is more or less distributed, and, of course, more or less liberty in exact correspondence. I will not pursue this subject, though examples drawn from history might shed a flood of light on these propositions.

Sir, the French war disposed of, and the Senate put out of the way, or rather the "factious majority" got rid of, the dominant party will at length reach the great immediate object of all their efforts; I mean, the surplus revenue, the thirty millions on hand, and the rapidly accruing revenues of the country. All the rest, sir, are mere pretexts, decoys for gulls. That stubborn majority in the Senate out of the way, a show of war must yet be kept up to decoy the people, through their feelings of patriotism, to yield assent to the lavish and profligate squandering of thirty millions; yes, and all the future accruing surpluses, until thirty millions shall be more than three times told upon jobbers, contractors, favorites, and all the vampyres belonging to the set, under the guise of warlike preparations, as if war were the sole business of life. I know gentlemen are not so shallow as to attach so much importance to these gigantic schemes of national defence as their speeches might seem to indicate. The surplus revenue must be seized upon. Sir, it will be so comfortable, it will not only serve to fill their pockets, but will give a prodigious activity to all the electioneering operations in the making of their President. Sir, it is vain to speak of the intelligence and virtue of the people being able to resist the power of a party backed by thirty millions in money, and an amount not much less in the shape of the public domain. I know (said Mr. M.) that there are States, and people in some of the States, that scarcely feel the influence. But at other points of the line of battle, where a decisive impression is necessary to be made, it can and will be made. The Government is too rich. It must be made poor before it can be made economical and pure. As you increase the surplus means of the Government, you multiply the schemers, projectors, and sturdy beggars, who will fall upon devices that will infallibly reach and squander the money.

Sir, we stand in a new position, one wholly unknown, until now, in modern history. We have all the symptoms of a highly diseased plethora. We have too much money. Economy is rapidly giving place to a wasteful profligacy. Chimerical projects are set on foot merely to get the money expended. Public men are losing all sense of the responsibility that habits of rigid economy enforce.

Sir, when I first came to Congress, if a proposition had been introduced requiring the expenditure of thirty millions in military defences, it would have been laughed to scorn. The mover would have been derided as the merest moonstruck visionary. All would have seen then, as they must now, that it is impossible to lay out that amount annually; that the requisite skill and the necessary labor cannot be procured, if you had the power of Midas to convert the mountains into solid gold. Yet, this is the natural downward course. Twelve years ago, the annual expenses of Government were under ten millions. Under this administration, which came into power with such lavish promises of economy, and pledges to bring back the Government to the cheapness, simplicity, and purity, of its earlier and better days, the expenditure has increased to a sum largely above twenty millions, and in the future we may expect to see those expenses exceed thirty millions a year. Is there the slightest necessity for this increase? None at all. Is it possible that the people would tolerate this state of things, if they were fully awakened to it? Sir, the treasury must be reduced, or this Government will sink into profligacy, and its retainers into utter corruption. But I tell you, sir, and I tell the people, from my place here, that this administration and its active corps of supporters will not suffer this money to be taken out of their hands. I tell the people that the administration will not suffer the States and the people to take and enjoy their own money. I tell the people that every plan of equal distribution of this surplus treasure, that is not now needed, that is lying idle to be scrambled for, will be resisted to the death by the administration and its loyal supporters. I tell them that the friends of the administration will vote for the most extravagant appropriations, exceeding far, very far, in amount, the most extravagant ever known heretofore, with the view of reducing this surplus as much as possible, and for the purpose of expending it among its retainers and employees, for works but little needed, if at all. I say to the people, mark this prediction, and see if it shall not be verified to the letter. I tell them that these unappropriated surpluses are of no use to any one, except to the deposite banks; and that to them they serve as precisely so much capital, upon which they trade and make profit exactly as if they were their own. I tell the people that in this way the administration holds a power over thirty or forty banks in the different States, that, if exerted, would crush three fourths of the number in a day. I tell them that a power of life and death over thirty or forty banks is a power over the directors, stockholders, and their debtors, to a greater or less degree. It is a power, to a great extent, over the money concerns of the country, and over thousands and tens of thousands of our people. I ask the people whether this power (abused or not, or to be abused or not) is not too great and dangerous a power to be lodged in the hands of any man? I ask the people whether these privileged corporations are better entitled to have the use of the public money and to make profit out of it, as if it were their own, than the States and the people of the States, by the sweat of whose brows it was earned?

And yet the banks will keep it. The States and the people will not be permitted to have it equally distributed during this administration. Sir, it is not in the nature or temper of power to surrender any of its advantages. If this money were given up, there might not any longer be inducement for thousands and tens of thousands of those now engaged in the work to continue their efforts to appoint the successor, to make the Baltimore nominee the next President.

If the land bill were permitted to pass, this money would be handed over to the States, for the use of the people of the States. More than nine hundred thousand dollars would immediately go to my own State. In internal improvement, education, railroads, and the many other beneficial forms in which it might be applied, it would give a prodigious impulse to the wealth, prosperity, and happiness, of the people of that State. Really it seems that this surplus and useless public money had as well go to the use of the people of the States, to make them prosperous and happy, as to go to the use of the banks to build up overgrown fortunes for the stockholders. But our venerable President thinks otherwise; and what Senator shall dare to call himself the friend of the President, if he dare to think differently?

The Senator from Missouri [Mr. Benton] distinctly says that this gigantic scheme of national defence was introduced expressly to defeat the land bill, and to prevent an equal distribution of the surplus among the States. I thank him for this frank and manly avowal.

We now understand each other. These, then, are competing propositions. Let us calmly examine the merits of each. I beg the people to examine them calmly, fairly, and dispassionately.

It is a great and interesting question. It must give rise to a keen and protracted contest. The parties on either side are strong and powerful. The States and the people, on one side, against the general Government, and its office holders, friends, and retainers, on the other. These are the parties. I take my stand on the side of the States and the people. I take it with confidence, though with certain knowledge that all our present efforts will be defeated. I rejoice to see every party compelled to take position. I am gratified to see gentlemen come up to the mark. There is no middle ground. They must fall into the ranks on the side of the States and the people, or they must fall into the ranks of this Government and its official corps. Take position, gentlemen. Let the people see where you are. I know your strength. I know that present defeat is our lot. We know that our cause is good; and, with the blessing of God, we shall be ready to do battle for it, from day to day, from year to year; yes, sir, firmly and fearlessly will we do battle for it, for the term of the longest of the Punic wars. The people will look on; they will investigate its merits; they will come to our aid; they will achieve the victory over power, and its friends and myrmidons, even in their intrenchments. Sir, I know we are beaten for the present. The official corps and its adherents have a tower of strength in the President and his veto. They will keep the money for a while. The President's influence may screen and sustain them yet a little longer. Beware of the hour when that protection shall be withdrawn. Beware of the vengeance of an abused people. You may bind poppies, mingled with the laurel of New Orleans, yet a little longer, round the brows of the people. But, beware: the day of retribution will surely come. Many of us may, and most probably will, sink under the hoof of power. "The blood of the martyr is the seed of the church." There will be those to follow who will drive the spoiler from his prey.

I have said the States and the people are on one side. Is it not so? Have not the most decisive expressions of popular opinion been heard, in the old States, in favor of the land bill? Have not the Legislatures that were free from party control expressed their approbation strongly? Do they not know that the public debt is paid? Do they not know that the money here is not needed, and cannot be properly used? Do they not know that this superabundance destroys responsibility, begets extravagance, and must end in profligacy and corruption? Do they not know that it is in this form only that they can hope to be sharers in this rich and princely public domain? Do they not know that an equal distribution would awaken enterprise, stimulate industry, and enrich and embellish the States? And is it wonderful that the people every where desire the measure? But not so the politicians. To them it is wormwood and gall. To the great "spoils party" it brings terror and alarm. To all others it brings healing on its wings, unless, perchance, to a very few whose pride of opinion may be startled, or to some from the new States, who may hope by other modes to derive yet greater benefits from the public lands than this measure promises. If the measure shall pass, I know it will be vetoed. That is a great evil, and yet I would not abrogate, modify, or touch, the veto power. I regard the veto as one of the contrivances in our system to break the shock of consolidated power; a wise contrivance to break sudden excesses in legislative action. In the long run, it must yield to the settled, dispassionate judgment of the country. In this case, I venture to predict that result. But the "spoils party"—how is it that this party can have an interest distinct and separate from the communities through which it is distributed? Let us look into this matter.

This great scheme of civil and political liberty of ours, the admiration and wonder of the age, is yet but an experiment: an experiment thus far illustrating, and gloriously illustrating, the truth of the great principle upon which our whole system rests: that man is capable of self-government. This system, in its successful and splendid career, is year by year developing new symptoms, new tendencies, and unforeseen phenomena; some portending evil, others full of refreshing promise and encouragement.

In the early and purer times of the republic, parties were divided upon great principles, growing out of the workings of the system itself. With equal zeal and patriotism, they took essentially different views of the tendencies of the system. This diversity of opinion was found in every State, connected with no local interest or sectional bias, but having reference solely to great questions, on which each and every part of the body politic had an equal interest.

These parties were the best and purest that have sprung up in our history. Time alone could settle the great questions between them, and time has settled definitively many of them. In the progress of events, these parties took a tinge from sectional prejudice and local interest, and were exposed to other occasional disturbances and deflections, from strong and heady personal ambition. In the fulness of time, in more than half the States, they lost almost every thing but their names, and were merged in the great and fearful vortex of sectional interests, and sectional interests alone, except so far as personal ambition yet clung to them, and occasionally modified their action. This modification of parties existed at or about the time that I first took a place in the councils of the Union. I then regarded them as having taken the most dangerous, the most remorseless, and the very worst combination that was compatible with the forms of the constitution, and a reasonable guarantee of practical liberty. How short-sighted and how erroneous were my views. This modification, resting essentially upon great sectional interests, banded together for the oppression and legislative plunder of the rest, produced an irregular over-action in the political machine, as well as in the great pecuniary interests of the country. This again run into a new modification, or rather produced a political phenomenon, eluding, as yet, the calculations of the philosopher, in reference either to the probable term of its duration, or the magnitude and extent of its mischief.

We now see, for the first time in this country, a great, numerous, and powerful party, formed without reference to any great principles of national policy, without regard to sectional interests, maintaining a sort of neutral ground upon all the interesting and deeply agitating questions of the times—a middle position, from which, with a dexterous skill in the art of balancing, they may incline to the north, south, east, or west, as exigencies may require: neither tariff nor anti-tariff, neither internal improvement nor anti-internal improvement, neither abolitionists nor anti-abolitionists, different sections of the party holding antagonist principles upon all these questions; and the party itself, or rather the heads of it, holding, at different periods, opinions favorable to both sides of these as well as other vital questions. We see them disregarding or despising principle, acknowledging no test, save only that of loyalty to their chief for the time being, and the behests of party, knitted together by selfish interests; with no element of coherence but the love of office and the desire of public plunder.

This party has acquired the appropriate and significant appellation of "the spoils party." The idea was first suggested by one of their high priests, who ministers with becoming devotion at the altars reeking with public spoils. They go for office and the spoils of office. Their greatest interests are centred in the treasury and the offices of the country. To increase the means of the treasury, and to multiply offices, contracts, and jobs, is to increase their prosperity. It is clear that the interest of the spoils party is directly opposite to the interests of the people. It is equally clear that they are a corps separate and alone, having a common interest among themselves, but no interest in common with the rest of the community. As they have a separate interest, so they have a separate organization, which, in its character, is hard, stern, and inexorable.

They are in the nature of a great military encampment in the midst of a peaceful community, living upon the fruits of honest men's labor, feared, hated, and yet for the most part implicitly obeyed. Their discipline is exact, and their strategy masterly. They occupy every important post throughout the Union. They are moved by a single will. An impulse at the centre is felt throughout the extremities. They are endowed with a sort of political ubiquity. A single word of command from head-quarters brings upon foot more than a hundred thousand office-holders and expectants, dispersed throughout the Union, animated by one spirit, and intent upon a single object. Re-enforced by a subsidized press, they simultaneously utter a spurious coinage of public opinion, which is borne from the extremities to the centre, whence the refluence sweeps over the entire confederacy. By this process, a man of straw, or certainly a John Den or Richard Fen, may be presented as a presidential candidate, with high claims and a commanding popularity. To consummate the scheme, another order issues for a great Baltimore convention "fresh from the people," to determine precedence between the rival pretenders to the throne. This trained band is instantly afoot, delegates are sent, some with and some without constituents. They take their seats in convention, with cap in hand, ready to register the edicts of their chief--the dispenser of the spoils; and these edicts are sent to all the ends of the earth, as the collected will and wisdom of "the great democratic republican party."

It is easy to perceive that no merit, however exalted, no public service, however illustrious, can contend, single-handed and alone, against this stupendous array of power and influence. It is easy to see, if the President for the time being shall place himself at the head of this fearful organization, bringing his official power, patronage, and influence, to bear upon freedom of opinion and the freedom of suffrage, that successful resistance will be difficult, nay, almost impossible. It is easy to see that, if the people shall not rise in their might, while it is yet time, and brand with scorn all arrogant interference with their rights, and impudent attempts to dictate the succession, the day is not far distant when they will surrender in despair, and abandon all hope of ever seeing another President freely chosen by the unbiased suffrage of the people.

Sir, I pronounce it as my deliberate and solemn conviction, that if the people, in the pending contest, shall not rise in their strength and rebuke executive interference, and the odious dictation of a successor, unless convulsion shall produce a new state of things, we shall never see another President freely chosen. Not more surely did the Emperors of Rome, backed by their prætorian bands, in the worst periods of her history, dictate the succession, than will this organization, headed by the President, appoint, from term to term, his successor. If this organization shall prevail at this time, where is the ground of hope for defeating it in the future? Will the people ever have a stronger case, or can the "powers that be" well have a weaker one?

Is this nominee either eminent for talent or illustrious for public service? Where are the fruits of his ability, or the monuments of his statesmanship? Where the proof of elevation of principle, broad statesmanlike views, decision of character, or pure political integrity? Where? Where? And yet, without pretension to distinguished public service, without eminence of ability, or, least of all, high public virtue, he is a powerful and formidable competitor. Who can estimate the power and influence of "the spoils party?" Look to the entire South. You see their candidate holding a doubtful struggle in every State, save one, from the Potomac to the Gulf of Mexico, against an eminent citizen of their own, with identity of views, identity of principles, and a common interest. You see him borne on without a feeling in common, a principle in common, or an interest in common, with the great body of our people. You see him borne on, in despite of his having been against them upon odious tariffs; against them upon the profligate squandering of money upon internal improvements; against them upon the slave question; and against them upon every essential view touching the pure and economical administration of this Government.

Sir, what individual popularity, necessarily local, can contend against this factitious popularity, endowed with ubiquity, and supported by the keenest selfish interests? Sir, the only hope is in the virtue and intelligence of the people. And yet the people, scattered, dispersed, without unity of purpose and concert of action, can make but feeble head against a corps, powerful, disciplined, active, and controlled by a single will. The truth is, organization must be met with organization, as far as practicable, or the freedom of election will be gone for ever.

To return. Sir, what are we debating about? The loss of the fortification bill at the last session. Why consume time in criminating the Senate, supposing this body to be culpable? Gentlemen say the horizon is lowering; that a cloud of war hangs upon its distant verge in the east; that it may yet come and burst upon us in its fury. They say our maritime frontier is naked and defenceless, and that we are destitute of all the muniments of war. Why, then, consume time in vain and unprofitable discussion? Why have two months of the session been suffered to pass without executive recommendation, or any estimates from the Departments for extraordinary appropriations? Why does the executive department sleep, while the enemy are upon us? Why do gentlemen waste the precious time in a war of words, when they should, according to their own views, be preparing for a sterner war? What bill have they introduced? What measure have they proposed? The French fleet of fifty or sixty sail, it is said, is hovering on our coast? They came to overawe the deliberations of the Senate, or to strike a decisive blow? Are the friends of the administration paralyzed? What preparation have they made to meet this formidable enemy? What preparation have they proposed? What increase of the naval power? Sir, they have a proposition on the subject of the naval defences. What do you suppose it is? Ten or twenty line of battle ships of the first class? No, sir; it is much more modest. The administration asks for two frigates, one sloop, and one steam battery.

If gentlemen suppose their alarms well founded, what must they think of the inertness, the imbecility, yes, sir, and the fatuity, of the administration that they seem so proud to support? Sir, gentlemen must be satisfied by this time that they are to have no war, except the war upon the Senate, and the war upon the treasury. Gentlemen say they have carried their elections, and will carry the Senate. I shall not regret it. This body, then, may look for a cessation of hostilities. It needs repose. Besides, it is time that gentlemen should take the whole responsibility of their measures. Who will not feel a sentiment of compassion for the distresses and annoyances of our venerable President, when he shall get possession of the Senate? How many debts are unpaid? How many importunate claimants of office, how many sturdy beggars, supple sycophants, and despicable tools, have been turned away with soothing assurances and bitter denunciations "of the factious Senate," that would not allow the party in power to keep good faith with their friends, and fulfil their just and reasonable expectations? Will not this tribe come thundering at the doors of the presidential mansion? Will they not press upon and annoy him by day and by night? But, sir, I differ from many of my friends.

If the party had carried the Senate two years ago, though the country would have suffered in the mean time, the defenders of the constitution and the laws would have acquired greater strength to place them both upon a safer and more durable basis. And, sir, what are two years of lawless domination, in the life of a great Government?

The opposition, without incurring the calumny and odium that have closed the public ear against them, would have been heard. The fruits of a weak and wicked policy would have ripened into their full maturity of bitterness. The people would have tasted them. The "glory" fruit might have been beautiful to the eye, but, like the fabled fruit on the borders of the Red sea, would to the taste have turned to ashes and bitterness.

The people may yet have to taste some of these bitter fruits. If an explosion shall come, as come it must, sooner or later, in the paper system, and twenty or thirty millions of public money shall be lost by broken banks, (which is not at all improbable,) the wise and sober-minded may regard it as a bitter fruit of the "hard money" humbug. "The faithful" will defend it as not too high a price for the "glory" of the experiment.

If war shall come, I learn from military men that a thousand or fifteen hundred gun-carriages will be immediately needed to work the guns in the fortresses now ready to receive them. I learn that there are scarcely one hundred fit for use, and that, with all the labor that can be applied to it, not more than one hundred and fifty or sixty can be made in a month. So that, notwithstanding regular appropriations for that object have been made for the last seven years, not more than one hundred guns can be mounted, nor can the full number for five or six months. This is a fair specimen of the ability and vigilance to be found, nowadays, in the public service. Sir, the fact cannot be disguised, that almost every department of the Government is in a state little short of utter disorganization.

The only department over which energy, skill, science, and a sleepless vigilance preside, is the one unknown to the law, created during this administration, without law and against law, but yet well known in practice—I mean the electioneering department. In this last department every thing is full of life, activity, vigor, alertness, and precision. If the elections of a State are to be carried, though we have but few gun-carriages, yet every gun is brought to bear upon it; emissaries and agents are afoot, the whole battery of the press opens, and the whole pack unkennelled; and, amidst shouts of glorification, humbug, calumny, smoke, smut, fire, and thunder, victory usually perches on the banner of this department, and approves itself well worthy of its high and distinguished reputation. If State Legislatures are to be carried, whether to make Senators, or to make "black lines," no troops but such as the Spartans of Tennessee or the Romans of Pennsylvania, can guard against insidious surprise, or repel the fury of assault. But as to the other departments, their condition can neither command admiration nor excite envy.

The Post Office Department sunk, two years ago, under a load of guilt, corruption, and disgusting rottenness. The public eye was turned for a moment on a spectacle so appalling in so young a Government, but it was again dazzled by the glory of this administration, and the whole Department, with its rottenness and corruptions, passed from under the eye as it passed out of the minds of men. It scarcely produced a sensation, it hardly left an impression. I trust it is getting better under the present head; I hear that it is, in its financial condition. I would humbly suggest that a little more expedition and a little better sealing-wax might decidedly enhance its usefulness and character.

The State Department may safely rest its hopes of immortality upon its masterly diplomacy in the late negotiation with France. Besides the enduring fame in lexicography which it has achieved for our country, it has well nigh got us into a war with with our earliest friend and most ancient ally, upon a cause so slight that it might have defied the inventive genius and wily dexterity of Talleyrand himself to make so much of it.

The Treasury Department, I trust, keeps a steady eye on its deposite banks and the "better currency." If, when they shall come to account for the thirty millions in their vaults, they shall be as wide of the mark as are the Secretary's reports and estimates to Congress, the Government will be either very rich or very poor. If I might take the liberty, I would recommend the purchase of Pike's arithmetic. Learning and science in this enlightened age, whether in lexicography or arithmetic, are quite commendable, particularly in a Department.

There can be no reason to doubt that the Secretary of the Navy will infuse into that branch of the public service a sufficient degree of zeal and energy to have his two frigates, his sloop, and steam battery, in the highest condition by the arrival of the French fleet of sixty sail on our coast.

Of the War Department—but of that I will say nothing, for I know but little. If I knew any thing in it demanding censure, it would give me no pleasure, indeed, it would cost me pain, to cast it. But this I will say: that I sincerely hope, when we shall come to look into the causes of this disastrous and disgraceful Indian war in Florida, no ground for censure will be found either in the want of good faith, of due forecast, or a seasonable preparation to meet the exigency. Sir, one feels, while ranging in these Departments, that he is in the midst of a wilderness of sweets. I will pursue the subject no further for the present; I may, on some future occasion, in an humble way, pluck a few of them.

THURSDAY, FEBRUARY 4.

INCENDIARY PUBLICATIONS.

Mr. CALHOUN, from the select committee to whom that part of the message of the President was referred, made a report at much length, accompanied by the following bill; which was read, and ordered to a second reading.

A BILL prohibiting deputy postmasters from receiving or transmitting through the mail, to any State, Territory, or District, certain papers therein mentioned, the circulation of which, by the laws of said State, Territory, or District, may be prohibited, and for other purposes.

Be it enacted, &c., That it shall not be lawful for any deputy postmaster, in any State, Territory, or District, knowingly to receive and put into the mail, any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, touching the subject of slavery, addressed to any person or post office in any State, Territory, or District, where, by the laws of the said State, Territory, or District, their circulation is prohibited. Nor shall it be lawful for any deputy postmaster in said State, Territory, or District, knowingly to deliver to any person any such pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, to any person whatever, except to such person or persons as are duly authorized by the proper authority of such State, Territory, or District, to receive the same.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Postmaster General to dismiss from office any deputy postmaster offending in the premises, and such deputy postmaster shall, on conviction thereof, in any court having competent jurisdiction, be fined in any sum not less than —— dollars, and not more than —— dollars, according to the aggravation of the offence, at the discretion of the court.

SEC. 3. *And be it further enacted*, That it shall be the duty of deputy postmasters, mail carriers, and other officers and agents of the Post Office Department, to cooperate, as far as may be, to prevent the circulation of any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation as aforesaid, in any State, Territory, or District, where, by the laws of said State, Territory, or District, the same are prohibited; and that nothing in the acts of Congress to establish and regulate the Post Office Department shall be construed to protect any deputy postmaster, mail carrier, or other officer or agent of said Department, convicted of knowingly circulating in any State, Territory, or District, as aforesaid, any such pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, forbidden by the laws of such State, Territory, or District.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Postmaster General to furnish to the deputy postmasters, and the agents and officers of the Department, copies of the laws of the several States, Territories, and Districts, prohibiting the publication or circulation of any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, within the limits of said States, Territories, or Districts, for their government in the premises; and make such regulations, and give such instructions for carrying this act into effect, as may not be contrary to law.

SEC. 5. *And be it further enacted*, That the deputy postmasters of the offices where the pamphlets, newspapers, handbills, or other papers, printed or written, or pictorial representations aforesaid, may be deposited, shall, under the instructions of the Postmaster General, from time to time give notice of the same, so that they may be withdrawn by the person depositing them; and, if not withdrawn in the space of one month thereafter, shall be burnt or otherwise destroyed.

Mr. MANGUM moved that five thousand extra copies of the report be printed.

Mr. DAVIS said that, as a motion had been made to print the paper purporting to be a report from the select committee of which he was a member, he would remark that the views contained in it did not entirely meet his approbation, though it contained many things which he approved of. He had risen for no other purpose than to make this statement, lest the impression should go abroad with the report that he assented to those portions of it which did not meet his approbation.

Mr. KING, of Georgia, said that, lest the same misunderstanding should go forth with respect to his views, he must state that the report was not entirely assented to by himself. However, the gentleman from South Carolina, [Mr. CALHOUN,] in making this report, had already stated that the majority of the committee did not agree to the whole of it, though many parts of it were concurred in by all.

Mr. DAVIS said he would add further, that he might have taken the usual course, and made an additional report, containing all his views on the subject, but thought it hardly worth while, and he had contented himself with making the statement that he had just made.

Mr. KING, of Alabama, said this was a departure from the usual course—by it a majority might dissent; and yet, when the report was published, it would seem to be a report of the committee of the Senate, and not a report of two members of it. It was proper that the whole matter should go together with the bill, that the report submitted by the majority might be read with the bill, to show that the reading of the report was not in conflict with the principles of the bill reported. He thought the Senator from North Carolina [Mr. MANGUM] had better modify his motion, so as to have the report and bill published together.

Mr. LINN remarked that, being a member of the committee, it was but proper for him to say that he had assented to several parts of the report, though he did not concur with it in all its parts. Should it become necessary, he would, when the subject again came before the Senate, explain in what particulars he had coincided with the views given in the report, and how far he had dissented from them. The bill, he said, had met with his approbation.

Mr. CALHOUN said he hoped his friend from North Carolina would modify his motion, so as to include the printing of the bill with the report. It would be seen, by comparing both together, that there was no *non sequitur* in the bill, coming as it did after this report.

Mr. KING, of Alabama, had only stated his impressions from hearing the report and bill read. It appeared to him unusual that a report should be made by a minority, and merely acquiesced in by the committee, and that the bill should be adverse to it.

Mr. DAVIS said the report was, as he understood it to be read from the Chair, the report of the committee. He had spoken for himself only, and for nobody else, lest the impression might go abroad that he concurred in all parts of the report, when he dissented from some of them.

Mr. CALHOUN said that a majority of the committee did not concur in the report, though there were two members of it, himself and the gentleman from North Carolina, who concurred throughout; three other gentlemen concurred with the greater part of the report, though they dissented from some parts of it, and two gentlemen concurred also with some parts of it. As to the bill, two of the committee would have preferred a different one, though they had rather have that than none at all; another gentleman was opposed to it altogether. The bill, however, was a natural consequence of the report, and the two did not disagree with each other.

Mr. CLAY said reports were merely argumentative papers, and were not considered as adopted paragraph by paragraph, by the Senate, in ordering them to be printed. If a bill embracing the principles of a report was adopted, the reasoning of the report might, so far as applicable, be considered as adopted.

Mr. LEIGH rose merely to state to the Senator from Alabama that the bill did not contradict the reasoning of the report; and was confirmatory of that portion of it to which it referred. This the gentleman would see when he came to read the report and bill together.

Mr. MANGUM then modified his motion by moving to print 5,000 copies of the report, together with the bill; which motion was agreed to.

NATIONAL DEFENCE.

The Senate then took up Mr. Benton's resolution for appropriating the surplus revenue to national defence; when

Mr. MANGUM, who was entitled to the floor, yielded to

Mr. CLAYTON, who addressed the Senate till the usual hour of adjournment; when, without concluding, he gave way to

Mr. PORTER, on whose motion

The Senate adjourned.

Friday, February 5.

SMITHSONIAN LEGACY.

The Senate proceeded to consider the joint resolution to authorize the President to appoint an agent to represent the United States in any suit concerning the Smithsonian legacy.

Mr. PRESTON expressed some doubts whether the United States Government could or ought to avail itself of this bequest, and wished that the resolution should be laid on the table until the Senate should be more full.

Mr. LEIGH replied that he had entirely made up his mind both that the Government had the power to take this bequest, and that it was its duty to do so. He assented to the motion to lay the resolution on the table for the present.

The resolution was then laid on the table.

ARMY OF THE UNITED STATES.

Mr. TIPTON offered the following resolutions; which lie one day for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire whether the army is sufficiently numerous for the duties they are required to perform, and for the occupation of our various forts.

Resolved, also, That the Committee on Military Affairs inquire and report to the Senate whether, in their opinion, the pay and emoluments to the officers of the army is sufficient compensation for the services they are required to perform.

The resolutions having been read,

Mr. TIPTON said: These resolutions direct the Committee on Military Affairs to inquire whether our army, as at present organized, is sufficiently numerous for the occupation of our fortifications and the performance of the various other duties which necessarily devolve upon it.

In submitting the resolutions for the consideration of the Senate, I feel it to be my duty to accompany them with a few brief remarks, explanatory of my motives for proposing the inquiry. I do not wish to be considered an alarmist; my fears have not been operated upon by the rumors of war so frequently heard. I do not expect to raise recruits in time to terminate the war now raging between us and the Seminole Indians, nor am I influenced in the course I have taken by any thing that has been said here or elsewhere on the subject of any other war, but purely by a desire to put our peace establishment upon a respectable footing, and to prevent the recurrence of these conflicts with the Indians on our borders.

I am unable to see any just cause for war, unless it arise from unfortunate collisions, which will occasionally occur between our border inhabitants and the neighboring Indian tribes; and, sir, I am convinced that the sure way to prevent war is to be well prepared for it. If we expect to keep peace with the Indian tribes, we must provide and keep constantly stationed in their immediate vicinity an efficient military force to awe them into submission.

I have waited until two months of the session have passed away, hoping that some other Senator, better qualified than myself, would institute this inquiry; but seeing that such has not been the case, I have determined to move in it, and I beg honorable Senators to examine and decide upon this subject, not as a party question, but as one intended solely for the good of our common country. I do it, sir, with great diffidence, for many reasons. I consider it a matter of some consequence, and have no doubt that it will meet with opposition. The mover should possess more ability than I do, to defend it. I have consulted no one. The measure is my own, and I am answerable for it. I am aware that the people of this country look with a jealous eye upon every step taken to augment our military force. The people, when rightly informed, will do what is right. The army is their army; the money to support it is theirs; the Government is theirs; and I feel assured that they desire to see the army sufficiently numerous to answer all the purposes for which it was created.

Before I sit down, I willexhib it to the Senate a tabular statement, showing the forts on our seaboard, as well as on our northwestern, western, and southwestern border, occupied and unoccupied. When I have stated the facts, I must leave it to those Senators who represent the seaboard to judge whether any additional force is necessary there or not; I, of course, do not pretend to determine. I have instituted the inquiry under the conviction that a more efficient force is necessary in the West.

I do not advocate the propriety of raising new regiments, nor of increasing the number of commissioned officers. I believe they are sufficiently numerous already; but I am confident that the rank and file of the army should be augmented, by which measure we will place our peace establishment upon a much more respectable footing, and make our army more efficient, without incurring heavy additional expense.

I have prepared tables, showing the present distribution of the troops, and the condition in which our military posts are at present, for the want of more men to preserve them.

Position and distribution of the troops on the northern or lake frontier, and on the seacoast.

Number.	Post.	Situation.	Regiments.	Companies.	Officers.
1	Fort Winnebago, -	Portage, Fox, & Ouisconsin river, -	5 inf	4	8
2	Fort Brady, - -	Sault St. Marie, M. T.	2 inf	2	4
3	Fort Mackinac, -	Michilimackinac, M.T.	2 inf	2	6
4	Fort Howard, -	Green Bay, M. T. - -	5 inf	4	8
5	Fort Dearborn, -	Head Lake Mich., Ill.	5 inf	2	6
6	Fort Gratiot, - -	Michigan Territory, -	2 inf	2	6
7	Fort Niagara, *a* -	Youngstown, N. Y. -			
8	Madison Barracks, *a* -	Sackett's Harbor, N.Y.			
9	Hancock Barracks, -	Holton, Me. - -	2 inf	4	12
10	Fort Sullivan, -	Eastport, Me. -	3 art	1	4
11	Fort Preble, - -	Portland, Me. -	3 art	1	2
12	Fort Constitution, -	Portsmouth, N. H. -	3 art	1	4
13	Fort Independence, *b* -	Boston, Mass. -			
14	Fort Wolcott, - -	Newport, R. I. -	3 art	1	3
15	Fort Trumbull, -	New London, Conn. -	4 art	1	5
16	Military Academy, *c* -	West Point, N. Y. -			
17	Fort Columbus, -	New York Harbor, -	4 art	1	4
18	Fort Hamilton, *d* -	New York Harbor, -	4 art	3	8
19	Fort Lafayette, -	New York Harbor, -	4 art	1	4
20	Fort Mifflin, *a* - -	Near Philadelphia, -			
21	Fort Delaware, *a* -	On Delaware river, -			
22	Fort McHenry, -	Baltimore, Md. -	4 art	1	5
23	Fort Severn, - -	Annapolis, Md. -	1 art	1	3
24	Fort Washington, *e* -	Left bank of Potomac,	1 art	1	3
25	Washington Arsenal, -	Greenleaf's Pt., W.C.	1 art	1	2
26	Fort Monroe, *f* -	Old Point Comfort, -	1& 3	4	
27	Fort Johnson, -	Near Smithfield, N. C.	1 art	1	3
28	Fort Macon, *g* -	Near Beaufort, N. C.	1 art	1	2
29	Fort Moultrie, *g* -	Charleston Harb., S.C.	1 art	1	2
30	Castle Pinckney, -	Charleston Harb., S.C.	1 art	1	2
31	Augusta Arsenal, -	Augusta, Geo. -	2 art	1	3
32	Oglethorpe Barracks, *g*	Savannah, Geo. -	2 art	1	2
33	Fort Marion, *g* -	St. Augustine, Florida,	2 art	1	2

a Unoccupied.

b Evacuated, and put under Engineer department for repairs.

c Unoccupied.

d One company ordered to Fort Mifflin, which will reduce the garrison to two companies.

e Companies to be withdrawn. Now under orders to join the army in Florida.

f Four companies of permanent garrison now serving in Florida.

g Companies withdrawn. Ordered to Florida.

Position and disposition of the troops of the Western department.

No.	Posts.	Situation.	Regiment.	No. of companies.	Commis'd officers.
1	Fort Snelling, -	Upper Mississippi, . . .	1st infantry,	3	8
2	Fort Crawford, . .	Prairie du Chien, . . .	Do.	5	11
3	Fort Armstrong, . .	Rock Island, Illinois, . .	Do.	2(*a*)	7
4	Fort Leavenworth, .	Right bank Missouri, w. Little Platte, .	Dragoons,	4	14
5	Jefferson Barracks, .	Near St. Louis, Missouri, . .	6th infantry,	10(*b*)	24
6	Fort Gibson, . .	Arkansas Territory, . .	Dragoons,	3	7
7	Fort Coffee, . .	Ditto, - . .	7th infantry,	1 9	4 19
8	Fort Des Moines, .	Right bank Mississippi, M. T., .	Dragoons,	3	9
9	Fort Jesup, . .	Near Natchitoches, La., . .	3d infantry,	6	16
10	Fort Towson, . .	On the Kiamichi, A. T., . .	Do.	4	12
11	Baton Rouge, . .	Baton Rouge, - . .	4th infantry,	4	7
12	New Orleans, . .	Near New Orleans, . .	Do.	4(*c*)	5
13	Fort Wood, . .	Chef Menteur, - . .	2d artillery,	4(*d*)	2
14	Fort Pike, . .	Petit Coquille, La., . .	Do.	1(*d*)	2
15	Fort Jackson, . .	New Orleans, - . .	Do.	1(*e*)	2
16	Fort Morgan, . .	Mobile Point, Alabama, . .	Do.	1(*d*)	2
17	Fort Mitchell, . .	Near Creek Agency, Alabama, .	4th infantry,	1	3
18	Fort Pickens, . .	On St. Rosa Island, Florida, .	2d artillery,	1(*d*)	2
19	Fort King, . .	Alachua, Florida, . }	1,2,3, art. 4th in. }	5(*f*) }	18
20	Fort Brooke, . .	Tampa Bay, Florida, . }	2d, 3d, art.	1	
21	Key West, . .	Florida, - . .	4th infantry,	1(*g*)	2
22	Fort Cass, . .	Near Calhoun, Tennessee, .	Do.	1	2

(*a*) Companies to be ordered to Fort Snelling. The post to be abandoned.

(*b*) The regiment to be ordered to Fort Jesup, and the fort rapidly evacuated.

(*c*) By our intelligence received, it appears that the troops under Colonel Twiggs have proceeded to join the army in Florida.

(*d*) Company withdrawn, and serving in Florida.

(*e*) Company withdrawn, recently serving in Florida, reported to be destroyed in action with the Indians, December 28.

(*f*) In the field, serving with General Clinch.

(*g*) Company withdrawn; reported to have been destroyed in action with the Indians.

By these statements it is shown that, in the Eastern department, on the lakes, and along the seaboard, there are thirty-three military posts, fourteen of which are now without troops to garrison them, and of course liable very soon to go to destruction.

In the Western department there are twenty-two posts, nine of them unoccupied by troops. Many of these forts are substantial, well built, and capable of affording protection, if properly occupied, and preserved from falling into ruin. If not preserved, the money expended in their erection is thrown away. The number of the rank and file of our army, as at present organized, is so small that it is impossible for the troops to occupy all the forts. The companies, now consisting of about fifty men, should be increased to sixty or eighty, with four sergeants and four corporals to each, so as to enable them to render all the service required to be performed by an army. Our forts must be kept in repair and our guns and gun-carriages preserved. Several companies have been recently removed from their stations to perform service in Florida; two of these companies have been entirely cut off by the Indians, thus farther reducing the number of the rank and file, already too small. By concentrating the troops in Florida, the forts in Louisiana have been mostly left without men to preserve them.

The unsettled state of affairs in Mexico, and the actual war in Texas, will cause a restiveness among the Indian tribes on the southwestern border of the United States, which should not be unprovided for. General Gaines, we are told, has been ordered to that frontier to prevent an interference by our Indians with the enemies of our neighbors, and it is possible that some portion of the force now on the upper Mississippi will have to be withdrawn and sent south. This will leave the northwestern frontier exposed to the mercy of the innumerable tribes on the upper Mississippi and Missouri rivers. Nothing but the presence of a force sufficient to crush all opposition will keep our Indians long quiet, and it is our wisest policy to provide that force at this time.

The presence of a respectable force at Forts Armstrong and Snelling, in 1831-'2, would have prevented the war with the Soukees, which cost us two and a half millions, and a similar array of troops, if stationed at Fort King and Tampa Bay last year, would certainly have prevented the war now going on in Florida—a war which will probably cost us two millions more, and must certainly end in the annihilation of the poor deluded Seminoles.

Mr. T. said that, in relation to the second resolution, for increasing the pay and emoluments of the officers of the army, he was not prepared to give an opinion that an increase was necessary, but he knew that there were some who thought an increase should be made in the compensation to some grades of the officers of our army. He considered the officers of our army a most meritorious class of men; they brave the dangers of every clime where duty calls them; they risk their health, their lives, their all, in our defence, and he felt confident that every citizen of our country would concur in giving them an ample compensation, he would say a liberal one. He hoped that the Military Committee would give the subject a careful investigation, and report the facts to the Senate; and he felt confident that the Senate and the country would do this valuable class of men ample justice, and that he knew the officers would be content with a just reward of their valuable services.

These, sir, are briefly the reasons which have induced me to offer the resolutions, and I hope they may be adopted.

SCHOOL LANDS.

A bill to authorize the relinquishment of the 16th sections of public lands, reserved for the use of schools, and the substitution of other lands in lieu thereof, was taken up for consideration.

Some discussion took place on this bill, in which Mr. CLAY, Mr. MOORE, Mr. KING of Alabama, and Mr. BLACK, took part. After the bill had been reported by the committee,

Mr. CLAY expressed his hope that this munificent bill, which allows the new States to select a section, instead of being compelled to take every sixteenth section of a township, whether valuable or valueless, would be appreciated by the West.

Mr. KING, of Alabama, protested against the bill being considered in the light of an obligation to the West.

Mr. CLAY intimated that if the Senator from Alabama was in a different situation from that which he now filled, in that situation in which he (Mr. C.) hoped to see him shortly, he would be more ready to allow the liberality of a measure which provided the means for the education of the rising generation--a liberality which every father of a family would know how to value.

Mr. LINN admitted the importance of the bill to the interests of the West, but declined giving any opinion as to the amount of gratitude due.

The bill was ordered to a third reading.

CUMBERLAND ROAD.

A bill to continue the Cumberland road in the States of Ohio, Indiana, and Illinois, was taken up.

Mr. HENDRICKS moved to amend the clause appropriating $320,000 for the road in Ohio, by striking out two and inserting five, so as to read $350,000.

After some remarks from Mr. CLAY,

Mr. CALHOUN moved to lay the bill on the table, to remain there until the question as to a war should be determined.

After a few words from Mr. HENDRICKS,

On motion of Mr. NAUDAIN, it was ordered that when the Senate adjourns, it adjourn to meet on Monday.

The Senate then adjourned.

MONDAY, FEBRUARY 8.

MEDIATION OF GREAT BRITAIN.

A message was received fron the President of the United States on the subject of the mediation of Great Britain, as follows;

WASHINGTON, *February* 8, 1836.

To the Senate and House of Representatives:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character, until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last, which proposes a partial non-intercourse with France. While we cannot too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that Power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country, and forget the lessons of experience, if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring Powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty.

I cannot too strongly repeat the recommendation already made, to place the seaboard in a proper state for defence, and promptly to provide the means for amply protecting our commerce.

ANDREW JACKSON.

On motion of Mr. CLAY, the message was referred to the Committee on Foreign Relations, and ordered to be printed.

RELIGIOUS INSTRUCTION IN THE ARMY.

Mr. SWIFT offered the following resolution; which was adopted:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making provision to extend to the officers and soldiers of the army the benefits of moral and religious instruction.

Mr. SWIFT explained that he had offered this resolution at the instance of an officer of the army, who was well acquainted with the wishes and interests of that branch of the service. At our remote posts, both officers and soldiers were deprived of the opportunity of receiving such instruction. It was not expected that a chaplain could be appointed to every post; but an arrangement might be made by which the means of this instruction might be proportioned to the number of troops.

NEW YORK SUFFERERS.

Mr. WRIGHT presented the memorial of the Chamber of Commerce of the city of New York, urging the passage of the bill now before the House of Representatives for the extension of the time of payment of the duty bonds falling due in the city of New York subsequent to the great conflagration of the 16th of December last, and said he felt bound to occupy a few moments of the time of the Senate in bringing to their attention the suggestions contained in this memorial. The memorial stated that the importance of the passage of the bill had been vastly increased by the delay which had already taken place.

1st. Because, by the expectation of time for payment, excited by the passage of the bill in the Senate, a large amount of bonds had been suffered to pass the time of payment, and to remain unpaid; and that a call now for the immediate payment of these deferred bonds would produce great additional distress, and immensely endanger the solvency of the debtor merchants.

2d. Because the merchants who have bonds due and unpaid are, by a provision of the revenue laws of the United States, prohibited from entering their goods daily arriving from foreign countries, until the outstanding bonds are paid, and those merchants have, therefore, been compelled to place their goods thus arriving in the public stores, without the usual entry for the payment of duties; that their goods to the amount of many millions in value remain in the public stores "unensured;" that these goods thus stored are unusually exposed to destruction by fire, in consequence of the great severity of the winter, the almost obstructed condition of the streets by snow and ice, and the necessarily resulting difficulty of extinguishing fires, if once lighted.

Mr. W. said he must remark that he was convinced the failure to ensure these goods thus situated proceeded solely from the almost entire destruction of the ensurance companies of New York by the fire referred to, and the memorial represents that the owners of these goods are imminently exposed to the danger of the further loss of the millions thus invested, and that the Government is equally exposed to the loss of the duties upon these goods, inasmuch as all hope of responsibility for the payment of duties must cease, if this further loss should be heaped upon the already severe misfortunes of that afflicted city.

3d. Because a further deposite of the importations, daily arriving, in the public stores will, when a decision upon the bill shall be finally had, impose upon the officers of the customs in the city of New York such a load of accumulated duties as to cause great and injurious delay in placing the goods in a condition for advantageous sale.

4th. Because this mode of importation, in addition to the danger of exposure and delay, necessarily imposes upon the importing merchant great additional expense and trouble, and that every delay increases this just cause of complaint.

Mr. W. said he did not pretend to have used the language of the memorial in his statement of its substance; that he had received it since he had come into the chamber; that he believed he had given a just view of its material suggestions; in any event, he had given the views which a hasty reading of the memorial had impressed upon his mind. He was aware that the memorial did not concern any bill now in the possession of the Senate. The Senate had passed the bill very many days since, and he made the remarks in the hope that they might reach the notice of the members of the other branch of Congress, in case it should be impossible to present this same memorial to that body on this day. He did hope this bill might meet an early and definitive action in that body. He would not speak of the result of that action, but decision was immensely important to the interests of his valued constituents, who, by an unexampled calamity, had been compelled to represent their embarrassments to the Legislature of the nation, and ask relief.

Mr. W. then moved that the memorial, without reading, be laid on the table and printed; which motion prevailed without a division.

CUMBERLAND ROAD.

The unfinished business of Friday, being the bill for the continuation of the Cumberland road through Indiana and Illinois, was taken up;

The pending motion being that of Mr. CALHOUN to lay the bill on the table, on which the yeas and nays had been ordered.

On motion of Mr. KING, of Alabama, the order for the yeas and nays was, by unanimous consent, withdrawn, that the motion to lay on the table might also be withdrawn, to permit Mr. TIPTON to make some remarks.

The further consideration of the subject was then postponed until to-morrow.

NATIONAL DEFENCE.

The Senate proceeded to consider the resolutions offered by Mr. BENTON.

Mr. CLAYTON, who was entitled to the floor, rose and concluded his remarks; the whole of which follow entire.

Mr. CLAYTON said: Mr. President, a full discussion of the leading topics which have been introduced into this debate is now demanded of us. It is due to the country that our sentiments on the great subject of national defence should be frankly expressed, and it is due to the character of the Senate that we should not suffer its former action on that subject to be misrepresented or misunderstood. It now appears that honorable gentlemen, acting here as the avowed friends of the administration, have left us no other alternative than that of silent submission to their charges, or a vindication of the past. Whether their object be to wage war on the Senate, or to prepare for war against France, mine is equally the duty of self-defence. For a war with any foreign Power which may assail us I wish to be fully prepared; and I am now ready, without further preparation, to meet the war against myself and my friends.

The resolution before us, as now modified, proposes to pledge this body, so far as its action can be efficient for the purpose, to set apart and apply so much of the surplus revenue (including the dividends on the bank stock of the United States) as may be necessary for the defence and security of the country. Thus stands the proposition as made by the Senator from Missouri, [Mr. Benton,] and as by him modified on the suggestion of the Senator from Tennessee, [Mr. Grundy.] But with this proposition, thus made by the friends of the administration, some gentlemen on this side of the House are not fully satisfied, because in their view it contemplates the postponement of the duty of self-defence to what they consider as minor and inferior objects. The Senator from Massachusetts [Mr. Webster] has said that he deems the duty of providing for the common defence to be a primary obligation imposed on us by the constitution, and is not content merely to declare that he will give the surplus for that object, if necessary, but the whole revenue; and not only that which has accrued, but that which shall accrue hereafter. The resolution does not go far enough for him; and the Senator from New Jersey [Mr. Southard] objects to its phraseology, as implying an absurdity, inasmuch as while the common defence is unprovided for, he cannot understand how any "surplus" can exist to be appropriated. My object, sir, is to change the proposition to such a shape as that, when adopted, the Senate may be understood as pledged to do its utmost for the necessary defence of the country, and to gain for this pledge, if possible, the unanimous vote of this body. I hold it to be desirable that we should make no party question of this matter, and that we should present an unbroken, undivided front to all other nations on a subject of such vital importance to the people. I shall, therefore, before I have done, move to strike out the word "surplus" from the resolution, so that it shall pledge all our resources, if necessary to be resorted to, for the objects proposed. Let us, by the unanimous adoption of such a resolution, show the world, and especially the American people, that, in the event of a struggle between our own country and any foreign Power under the heavens, no matter how that struggle may originate, there are none here attached to any but the land that gave us birth; that there is no feeling here but the true American feeling; and no sentiment here but the true American sentiment, which holds all other nations "enemies in war, in peace friends." Let us refute by this pledge now, and by the honest redemption of it hereafter, any slanderer, if such there be, who would seek to cast a stain on the character of the Senate, by the vile insinuation that we are or can be partisans of a foreign Power. Such a stain cannot be placed there without degrading the character of the proud States whose representatives we are, without the consequent humiliation of all that is elevated and noble in the American character, nor without inflicting a pang of regret upon every man who has a true American heart beating in his bosom.

It is objected to the adoption of a general and extensive scheme of appropriations for defence at this time that there is danger to be apprehended from the propensities of the existing administration to expend the public money for electioneering purposes; that political favorites will, according to the system of "the spoils party," be preferred to all others in letting the contracts for the construction of the requisite public works; and that the expenditure of many millions of the public treasure by unprincipled men will lead to a still more general prostitution of the beneficent powers of the Government to party purposes than we have ever witnessed. It is true, sir, the power proposed to be conferred may be abused. But the power will be in the hands of those whom the people have preferred should expend it; and deeply as I regret their decision, yet I shall bow in submission to it. And let me say to my friends who anticipate the abuse of this power for party purposes, that if those who have it shall determine thus to prostrate the elective franchise by the corrupt employment of the public money, we can erect no barrier to save the republic from this danger by withholding the appropriations for the public defence. We have no other sure safeguard for the preservation of our liberties than public virtue. If public opinion can be purchased by such means, the experiment of free Government must prove a failure. Let us do our duty, then, and leave the consequences to that Providence which has thus far protected us. The patriot who shall steadily reflect upon the consequences of an accumulated surplus in the treasury, now amounting to thirty, and, unless thus disposed of, soon to increase to a hundred millions of dollars, will see far greater danger to our free institutions from this hoarded treasure than may arise from its improper expenditure at this time. If permitted to gather in the treasury until its force, when expended, shall be absolutely irresistible, it will prove for years to come a standing bribe for the exertions of party; the struggle for office must degenerate into a struggle for money only; and this wealth may at last fall into the hands of some successful partisan, who may, by an illegal seizure of it all, ensure our final downfall and his own elevation on the ruins of the constitution. Nothing is more evident than that if no common object can in the mean time be found to which it can be appropriated, it must prove a subject of ceaseless contention among the States and the people.

It has been further said, that the object of the resolution is to defeat the bill to distribute the proceeds of the sales of the public domain among the States, according to their federative population. But such cannot be the effect of adopting a liberal scheme of national defence, really adapted to the wants of the country. The land bill itself provides that no part of the money which it proposes to distribute shall be disposed of according to its provisions, in case of war with any foreign country; and it never has been any part of the object of the friends of that just and salutary measure to divert one dollar of the public treasure from the object of necessary defence. The passage of that bill could have had no such effect. As a sincere friend of that bill, I do ardently desire that it may, at some future time, receive the action of Congress under more favorable auspices. At present, I cannot shut my eyes to the fact that the President has once put his veto upon it, and has even resorted to what I shall ever consider was a most unjustifiable measure on his part, to prevent Congress from passing it into a law in despite of his veto, by the requisite constitutional majority of two thirds of each House. We have good reasons to know that, when we passed that bill simultaneously with the compromise act, such was the state of kind feeling which the latter had awakened in the bosoms of gentlemen, who had before voted against the land bill, towards its friends, that, had the President, who received both bills in the same hour, returned the latter to us with his qualified negative upon it, at the time when he sent back the compromise act with his approval upon that, the requisite constitutional majority of two thirds was ready in this body, as well as in the other House, to make the bill a law in despite of his veto. He chose to keep the bill until another session, and then sent it back to a new Congress, many of whose members were not members of that which passed the act. Is there any evidence of a change in his determination as to this bill; and, if not, can any man hope for the passage of the land bill into a law, while he who resorted to such means to defeat it, as I have in part described, still has it in his power to resort to similar means again? No, sir; though I hold it to be my duty, uncontrolled by the executive will, to vote for the measure as often as it shall be presented, yet I feel that we must wait till other counsels shall prevail in the executive mansion before the people of any of the old States which conquered these public lands from the Crown of Great Britain, by the expenditure of their blood and treasure, can be permitted to touch a dollar of the money arising from the sale of them. But, without reference to this state of things, it is sufficient now to say, that the objection that a liberal system of appropriation for public defence might come in collision with the distribution under the land bill, proceeds upon the admission of what is erroneous in point of fact; for we have ample resources for national defence, without touching the funds which that bill was intended to affect; and, were it otherwise, I should not hesitate a moment in deciding that not a dollar should be distributed or applied to other purposes, while it remains necessary to put the country in a state of preparation to meet any and every emergency that may arise out of the unsettled state of our foreign relations.

Another objection has been suggested. The honorable gentleman from South Carolina [Mr. CALHOUN] has offered a proposition, which now lies on the table, to so amend the constitution of the United States as to authorize the distribution among the States of all the surplus in the treasury not necessary for the expenses of Government, whether proceeding from the avails of the public domain, or from any other source. If it be any part of the design of his resolution to defeat the appropriations for those objects, (which, I have already observed, are, in my estimation, paramount to all others,) I have yet to learn it; and, whenever that shall be avowed as its object, or shall appear to my judgment to be its effect, I shall hold it to be my duty, without reference to any other arguments against it, to resist it to the utmost. Sir, I do not propose to discuss its merits; but I am free to declare that, in my opinion, it it is a proposition which, in its present form, can never be attended with any practical results. Many of those who desire the distribution believe that the object can be attained whenever Congress shall pass an act to effect it; and that the proposed amendment to the constitution is objectionable, not merely because it is unnecessary, but because it involves an admission of the want of a power already conceded to Congress. The elaborate addresses, on this subject, of a late Senator from New Jersey, [Mr. DICKERSON,] now a member of the cabinet, were made in vain, if there be no considerable number of men friendly to the object, and yet confident of the existence of a power to effect it. The President, in his annual messages to Congress, has repeatedly avowed himself friendly to the object of distributing this surplus among the States; yet he had rejected the land bill, which is the only measure that has ever been proposed by friend or foe to carry out, by a practical effort, any part of his suggestion. Considering these things, and reflecting at the same time upon the difficulty, not to say the absolute impossibility, of procuring any change in the constitution whatsoever, on any subject, I cannot view this proposition as presenting, even to the friends of the distribution which it contemplates, any ground upon which an opposition to the great measure of national defence can be rested. Sir, it is visionary. If the surplus must accumulate until that proposition shall be adopted, it will never find an avenue through which it may escape to the people, to whom it rightfully belongs.

Nor does that other objection, that, by these means, the expenditures for internal improvement will be arrested, stand on any better foundation. Sir, the expenditures for internal improvement are effectually arrested by executive action alone, no matter what may be our decision on this or any other subject. The President alone now governs the destinies of the country, so far as national improvement is involved in them. We may, indeed, rejoice if we can find useful objects for which he will permit us to expend any part of the money of those who sent us here. While a little band of us, one of the rank and file of which I am proud to avow myself, in vain oppose that construction of the constitution which has thus arrested the exercise of one of the most beneficent powers of this Government, we are borne down by the force of those who adhere to the Executive on all questions. The President's repeated exercise of the veto power on former bills for internal improvement has left no room for conjecture as to the fate of any future bill which shall contain objects of a similar character. Until the people shall desire it otherwise, and manifest that desire by the elevation of some one to the presidential power who will consent that their money shall be expended in making railroads and canals, to bind and connect together the distant sections of our country, as well as in the purchase of arms, the equipment of fleets, the raising of armies, and the erection of forts, we have no alternatives left to us but that of appropriating largely for defence, or suffering this wealth to accumulate until the sum of its enticing glories shall win the heart of some one to use it for the mastery of us all and the conquest of the liberty that is left to us. And, sir, I say again, in reference to this objection, as well as all others of a similar character, that, so long as the public money can be usefully applied to the indispensable object of the necessary protection and safety of the country, any and every other object of expenditure sinks, in my judgment, into inferiority with that.

Still another objection to the measures proposed by the resolution before us remains to be answered. We are told there is no danger of a war. It may be that there is no immediate danger. Sir, I believe it will be found so. But is it wise, is it consistent with that primary obligation to "provide for the common defence," which the constitution imposes upon us, to wait till that danger comes before we take measures for security—to sleep till we hear the cannon of the enemy, without an attempt at self-protecton? The building of a navy, or the erection of a fort, is not the work of a day or a year. To build ships, and to build them so that they may, in the hands of American seamen, sustain the American character; to erect fortifications for the permanent security of our commercial cities and our important harbors, to arm them, and man them, are ends not to be attained without the preparation of years, even if we had five times the wealth of the treasury to offer for them. We must go to work, for the accomplishment of so great an object, as all others have done who have achieved any thing worthy of a nation's honor or security—not hastily, and without reflection, but with caution and circumspection, in the choice and use of all the means requisite. If we listen to the suggestion that there is no danger of war, we shall never do any thing, until it is too late to attempt it with certainty of success. When such danger is imminent, and comes upon a nation unprepared, as we are, every thing done is accomplished in confusion; but nothing is well done, and the expenses occasioned amidst hurry and excitement are enhanced greatly beyond those which a prudent and vigilant superintendence, in time of peace, would ever tolerate.

Our real condition may be easily understood, without an appeal to official documents. On both sides of the House, and by gentlemen of all parties, it is reiterated that our whole seaboard is in a wretched state of defence. The honorable chairman of our Committee on Military Affairs [Mr. Benton] was the first to proclaim the fact in this debate, and the honorable gentleman from Pennsylvania [Mr. Buchanan] has added to the picture he presented of our naked, exposed, and defenceless situation. To enable others to understand this, let every member from the Atlantic States bear evidence of the situation of the defences existing within his own personal observation. Years have passed away, during which not a gun, from any fortification, could have been brought to bear upon a hostile squadron passing the Delaware, from Cape Henlopen to Philadelphia. Five years ago, the only effective fort known there was accidentally destroyed by fire, and no serious effort has been made to rebuild it. No, sir; every thing requisite for defence, not only in that quarter, but every where else, has been viewed as a secondary consideration, when brought into competition with a party object—to make the boast of having paid off the national debt during the existence of this administration. The honorable chairman of our Committee on Naval Affairs [Mr. Southard] has informed us, in this debate, how utterly insufficient are our naval preparations for a state of war; and, in connexion with the fact demonstrated by him, that we could not now concentrate, within any reasonable period, a sufficient naval force, upon any point of our whole Atlantic seaboard, to resist, with success, a formidable attack suddenly made by a foreign fleet, permit me again to invite your attention to the peculiar situation of the country on both sides of the Delaware. At the entrance of that bay, on whose waters floats the commerce of one of our largest cities, and of a country than which none could be more inviting to a rapacious foe, we have erected a breakwater for the protection of shipping against the effects of storms and ice. It is, indeed, a noble and enduring monument of the sagacity and wisdom of Congress, and exhibits proof of a disposition to protect the commercial interests of the whole country, which I hope to see cherished and encouraged hereafter. It is said to have been thus far constructed on terms which prove that, in the erection of such public works as this, we are capable of performing more labor for less money than any foreign nation of whose operations, in the same way, we have any correct information; and although, in consequence of its unfinished condition, we have not yet realized all the advantages of this great work, yet, it is believed by those whose means of judging I rely on, that, by the protection which it has already given to our shipping, from nearly all parts of the Union, against the danger of shipwreck, property has been saved which is of greater value than the whole cost of the work. It furnishes now an excellent harbor; but it is a harbor, of all others, the most inviting to a hostile fleet; and not a gun is yet mounted to defend it, nor has there been any attempt to erect a fortification for its protection. Without such a defence, it will prove, in time of war with a nation of superior naval and maritime power, a curse to the country; for while it deprives us of all benefit from the operations against an enemy of our ancient allies, the winds and ice, it must become the point from which a hostile fleet may pillage our coast, blockade our vessels, and harass, in a greater or less degree, our whole commerce. The entrance to the Chesapeake and Delaware canal is also left undefended, by the burning of Fort Delaware, and the neglect to rebuild it—a neglect which, if longer continued, I shall be compelled to consider as a violation of the contract by which the State which ceded the island on which it stood to the Government stipulated, in the act of cession, for the erection and maintenance of a fortification upon it for ever after.

Our Western frontier is scarcely less exposed. For years past we have been steadily pursuing the policy of driving the Indian tribes beyond the States; and, by the gradual operation of this system, we have thrown nearly all the ancient Indian population, formerly within their limits, on our Western border, where it now rests, strengthened by connexion with other tribes, and by a density which it never knew before. At this moment a war is raging in Florida with a remnant of this fierce and untameable people; and a feeling is enkindled in the bosoms of the whole race, which, at the slightest appearance of a rupture with a foreign Power, might, under the management of a skilful leader, bring thirty thousand savage warriors into the field to desolate our Western settlements.

Sir, it is said, and repeated with great confidence, that there is no danger of a war with France. Although I hope that God in his mercy may avert from us as a nation that worst of all scourges; although I believe that we shall be saved from it in this instance, and intend to exert all my humble means to prevent it, so long as I can do so consistently with the honor of my country, yet it is impossible to review the facts connected with the controversy between us and France without perceiving that we have arrived at that point at which the power of retreating with honor from our own position is not left to us alone, unless, indeed, the resolutions passed at the last session, that the treaty of July, 1831, ought to be insisted on, shall now be receded from by us. France may recede; but the negotiation has been so conducted that, unless we abandon the treaty, we cannot step backwards without dishonor. To show this, a very brief history of that controversy will be sufficient. The French spoliations on our commerce, for which that treaty provided an indemnity to us of twenty-five millions of francs, (about four millions seven hundred thousand dollars,) all occurred more than twenty-five years ago, and have ever since been the subject of just complaint against that nation. These spoliations were of the most unjustifiable, cruel, and outrageous character. We submitted to them at the time they were committed only because they were accompanied by still more atrocious violations of neutral rights by another one of the great belligerant nations of Europe, against which we shortly afterwards declared war. Against the latter Power we proceeded, and obtained whatever satisfaction a war could give us. Our claim on the other was never abandoned; it was always insisted on. The real amount of injury we had sustained far exceeded the petty sum which at last we obtained as an indemnity by a solemn treaty made on the 4th of July, 1831. The commissioners appointed by Congress to ascertain and liquidate the demands of the rival claimants under this treaty, whose property had been burnt or captured by the French, have fixed those demands at sums the aggregate of which is nearly twice the sum of twenty-five millions of francs, the indemnity allowed us. Yet, without taking into the estimate any of the spoliations committed by France under the Berlin and Milan decrees, the sum assessed by the commissioners under the treaty is far below what would have been assessed by arbitrators, had such been appointed to settle the dispute between our country and France. Without now going into a statement of the principles which govern every commission, where rival claimants under the same nation, instead of rival nations, are contending for justice against each other, I content myself with saying that there does not rest a doubt on my mind that the sum allowed us by France, by the treaty of July, 1831, was not equal to one fourth of the actual loss we had sustained by that nation in the pride of its power, and inflicted upon us by means the most wanton, cruel, and unprovoked. Sir, I was one of those who ratified, in this hall, the treaty of July, 1831. We did it with a full knowledge that the indemnity proposed was not, in amount of money, a real indemnity for the wrongs which had been inflicted upon us. We did it with a full knowledge of all the immense advantages conceded to France by that provision in the treaty which established a discriminating duty in favor of her wines and silks, in consideration of the return of our ancient friend and ally to that justice which had marked the period of our earliest connexion with her. We thus, for the sake of harmony with France, introduced a principle into the exercise of our treaty-making power, which, if not novel, is certainly very unusual; for, in the exercise of our authority simply to ratify the treaty, we pledged our own legislative power, and that of the other House of Congress, to regulate the tariff of the nation according to the treaty. Immediately, and without delay, Congress did so regulate the tariff, and the discrimination in favor of the staples of France over those of all other nations was imbodied in our statute book. My honorable friend, but political opponent, from Pennsylvania, [Mr. BUCHANAN,] has said that, by means of this clause in the treaty, France has already gained more than the whole indemnity which she thus stipulated to pay to our citizens; that he has called upon the Secretary of the Treasury for the purpose of ascertaining the amount; and he exhibited a tabular statement, prepared at his request, which proved that, had the duties on French wines and silks remained as they were at the date of the ratification of the treaty, these articles since that time would have paid into the treasury, on the 30th September, 1834, (more than a year ago,) the sum of three million sixty-one thousand five hundred and twenty-five dollars. The honorable gentleman added, that, before the conclusion of the ten years mentioned in the treaty, France will have been freed from the payment of duties to an amount considerably above twelve millions of dollars. To this statement my honorable friend from Kentucky [Mr. CRITTENDEN] justly excepts, but considers the reduction of duties as a benefit to the American consumer only. Sir, both the gentlemen are in error. The gentleman from Pennsylvania is wrong in considering that France alone has pocketed the benefit resulting from the reduction; and the gentleman from Kentucky is wrong, if he supposes that the importing merchant, as well as the producer of the articles of wines and silks in France, has not enjoyed, together with the consumer here, the advantages derived from the discrimination. The fact is, that the duty on French wines and silks was reduced, as I have stated, to take effect at the time of ratifying the treaty, and the duty of five per cent. on French silks was utterly abandoned by the subsequent act of March 2, 1833; so that the silks of France have ever since been admitted here duty free, while silks of a much better quality, coming from beyond the Cape of Good Hope, still are subjected to a duty of ten per cent. It is needless to stop here for the purpose of working out, by the different systems of political arithmetic, how much the consumer, the importing merchant, and the French producer, have respectively gained by the established reduction; but one thing I take to be certain, that, while the French treasury has not received the benefit of the sum mentioned by the gentleman from Pennsylvania, the treasury of the United States has lost every dollar of it.

Foreseeing the consequences of this discrimination in favor of French products, as we certainly did at the time of ratifying the treaty, what, it may be asked, could possibly have been the motive for our ratification of that treaty? Not, sir, as has been most unjustly charged, for the sake of French gold; no, sir, not for the sake of any mere pecuniary advantage. It was not to enrich our own coffers, or to fill the pockets of American merchants whose ships had been burnt by French cruisers, although mere justice required of us to demand of France to repay them for their losses. Had money (as has been most untruly alleged) been our only object, we should never have concluded and ratified such a treaty. Our object was peace and harmony with an ancient ally and friend—with a nation towards which every pulse in the American's heart has beat with sympathy in all her sufferings, and towards which one of the most lofty, generous, and grateful of emotions which man can feel or tell of, has ever been fondly cherished and proudly expressed. The tranquillity of nations, the peace of the civilized world, and, above all other considerations, the cause of liberal principles, the preservation and maintenance of harmony between those nations whose forms of Government, so far as they preserve the seminal principle of popular representation, now form the last best hope of all men—these, sir, were the powerful arguments which impelled the American Senate to ratify this treaty, and again to offer to France not only forgiveness for the past, but benefits for the future. The honor of the nation had required of us to demand some indemnity for the past; and, however inadequate to the injuries we had suffered, we felt disposed to overlook the amount of the damages for the acknowledgment of the outrages and the confession of the wrongs inflicted. But, after all this, what was done by France? Year after year passed away after the exchange of the ratifications of this solemn treaty, during which France received an unquestioned benefit from it, and our treasury sustained an unquestioned loss by it; yet no law was passed to carry the treaty into effect, and no further act was done to admit these wrongs, or offer us a dolllar of remuneration for them. Passing by all the irritating topics to which the gentleman from Pennsylvania has alluded, casting no imputation on any one branch of the French Government more than all the others, I say that France has not redeemed the pledge given in her solemn treaty with us, although we have redeemed ours to the very letter. The law to carry the treaty into effect has been once actually rejected by the French Chambers; and at last it has been passed with a precedent condition annexed, requiring an explanation of the President's message to Congress of December, 1834.

This message, sir, was sent here after the first rejection of the treaty. It contained a recommendation to invest the President himself with the discretionary power to issue letters of marque and reprisal—to make a quasi war with France at his discretion. The recommendation found no advocates in either branch of Congress that I have ever heard of. It is possible there may have been such, but I have not known them. It was, in my private opinion, an ill-advised and most imprudent message. Such may have been the opinion of the American people; such surely was the opinion of the American Congress. No motion was ever made in either House to carry out the recommendation of the message by the grant of the power asked for; and the Senate did, on the 14th of January, 1835, pass a unanimous vote, on the recommendation of our Committee on Foreign Relations, declaring, in response to the message, that no legislative provision whatever ought then to be adopted in reference to the state of our relations with France. The report which led the committee to that conclusion was drawn by their chairman, [Mr. CLAY,] and will stand for ever as one of the brightest leaves in the proud chaplet which adorns that statesman's brow. That was no partisan document. No, sir; all men, of all parties, in this body, convinced by the argument and pleased with the tone of eloquent patriotism which spoke in every sentence of that report, then concurred in the opinion that no power should be granted to the President to issue letters of marque and reprisal for the seizure of French commerce. France received the intelligence of the passage of this resolution, and felt assured, when she received it, that at least one entire branch of the American Government intended no menace, and meant that this Government should give no offence to her. But, after all this, the French Chambers only at last passed the bill of indemnity with a proviso that no part of the money due under the treaty should be paid us before an explanation of the message should be given to France by the President.

We have now arrived at that part of the history of this controversy where the President has taken his stand. We know that he will not, in any event, consent to make any explanations of his former message, except to Congress or the American people; but the President has, in the strongest terms, disclaimed, in his message to Congress of December last, any intention to insult or menace the French Government by his message of December, 1834. Our own minister at Paris (Mr. Livingston) had long before denied that such was the intention of that message, in an official communication to the French minister; and the French Government had been assured by an official letter from the Secretary of State, written by order of the President, that the President approved of the communication made by Mr. Livingston. It is said, however, that all this is unsatisfactory to France. If the message of December last, taken in connexion with the previous disavowal of our minister at Paris, be now held to be insufficient, what alternative is left us but to rescind all our resolutions to insist on the treaty, and to abandon our claims on France, or to enter upon a system of restrictive measures against French commerce, as the President has lately recommended, which must probably terminate in a war? It is answered by some, I know, sir, (and possibly there may be men of all parties who think so,) that, to avoid these difficulties, the President ought to be called on to make the requisite apology directly to the French Government. Such, sir, is not my opinion. I hold that the President made the communication to Congress by his annual message in 1834, under the sanction and in obedience to the requisitions of an express clause in our constitution which commands him to make such recommendations to Congress "as he shall think fit;" and that, whether the sentiments contained in that message be right or wrong, he is responsible for them only to Congress and the country. I hold, further, that, for any thing contained in such a message, no foreign Government has any right to hold this Government responsible, unless the sentiment be adopted and acted upon by the Government itself. The mistake made by France, in this respect, arises out of the misconception which men living under a monarchical Government are prone to fall into when considering the powers of a mere President as resembling those of a King. The President is not the Government, although he has been too much accustomed to consider himself as such; and, in the discharge of his advisory duties, under the injunction which the constitution imposes upon him to "recommend to Congress such measures as he shall think fit," he is no more the organ of the Government than either House of Congress, taken singly and apart from the other co-ordinate departments of that Government. Nay, this Government is no more responsible to a foreign nation for his sayings in a message under the constitution, than it is for the exercise of the freedom of debate, which is the right of every member on this floor; and it is not less important that his right to express himself freely and fully to us in these messages should be preserved inviolate, than that a member of this body should remain unquestioned in any other place for the expression of his free opinions on every subject which he may think fit to discuss. Yet, if a member of this or the other House had used the same language in debate which the President employed in his message of December, 1834, for which an explanation is demanded by France, the demand of an explanation for it, and the refusal to pay the twenty-five millions of francs due to us under the treaty, because of such exercise of the right of opinion in debate, would have been held a gross infringement of the constitutional provision that members of Congress, "for any speech or debate in either House, shall not be questioned in any other place;" and the Government would have been held not responsible for any part or all that he had uttered. Were we now to demand of France an explanation for the language of every member of her Chambers who, in discussing the treaty, assailed, as several among them did, our national character, the demand would be met with an indignant frown and a peremptory denial. Sir, we can never surrender to any foreign nation the right of the Executive to communicate, unquestioned by any authority other than our own, what he thinks fit to Congress. The surrender of that involves at once the surrender of a similar right to take offence at, and compel an explanation for, every imprudent act or saying in every other department; and, in principle, it is nothing less than a surrender of the independence of the Government. The President, we are assured, will never yield to such a demand. My own conscientious convictions are, that he ought not to yield to it; and, though I am not, never have been, and never shall be, his partisan, yet I will stand by him in the assertion of his right to give to me and others here any opinions or advice which he may think fit to disclose by his messages, unquestioned by any foreign nation whatever. Permit me here to add that, whatever my own opinions of this or any future President may be, whether sustaining or opposing his views, I shall ever hold it to be the true part of a Senator to resist all interference from abroad in our party divisions and domestic dissensions, and to put down at once, so far as I may be able to do so, every attempt of any foreign Power to come between us, and make itself a party to any controversy among us.

With this view of the President's own determination, and the reasons for adopting it, it is clear that, while France persists in her demand, we cannot recede from our position, unless we abandon the treaty. Sir, we are at that point in the game of diplomacy where not another move is left us but to advance or surrender. France now has every opportunity afforded her to retreat without dishonor from her position, and to put an end to the controversy by the payment of the indemnity. Nay, she has no pretext left her to refuse it. The last annual message of the President ought to be held satisfactory to France. I trust she will act as becomes her; but, while it is solely at her option, or that of any other foreign nation, to select for itself at the next moment, without further admonition to us, either pacific or warlike measures, I consider it our duty to prepare for either contingency. I would not avail myself of this opportunity to expose the errors of our Government in this controversy, if I desired to expose them. The question now is not a question of war or no war. It is merely a question of defence; and for that I am prepared to act, without the slightest reference to what party may have provoked danger, or to what cause that danger may be ascribed.

Before I take leave of the subject of our foreign relations, indulge me, sir, with a very few remarks in reply to a single observation made by the honorable gentleman from Tennessee, [Mr. Grundy.] That gentleman, after detailing with great care some of the events which had transpired between us and France, and after assaulting the Senate for not having last year voted for the then proposed amendment of $3,000,000 to the fortification bill, called upon us all (as the gentleman from Kentucky has already stated) to come out freely and frankly, and to declare whether, in the present aspect of our affairs, we were willing to remain quiet, or whether we would adopt a plan of non-intercourse with France. And, after this demand upon us all to leave the non-committal policy, and declare our future course with candor, he proceeded, he said, to declare his own sentiments. But, when he had thus excited much attention by this preface to his expected annunciation, he left us with a most lame and impotent conclusion, simply declaring that, for his part, he was—what? why, "not satisfied that things should remain exactly as they are." The message which announces the mediation of England has since been received; and I hope the gentleman will be content that things should remain, for the present at least, exactly as they are. Let us wait, sir, till we learn the effect of the last annual message on France, and what is the feeling of that country in regard to the English mediation. And, in future, let me beg the honorable gentleman not to be so rash, but adopt a little more of the non-committal policy, by avoiding such hasty and inconsiderate avowals.

Throughout the whole debate on this resolution, the principal object of honorable gentlemen on the other side of the House seems to have been not so much to sustain the resolution itself as to inculpate those who, during the last session in this body, rejected what is called the three million amendment to the bill making appropriations for fortifications. Having now considered all the objections to the resolution before us, I shall follow the gentlemen so far as to meet and repel their unjust assault on the last Senate; and, in doing this, I shall not hesitate to put them on the defensive in return for their attack. I shall not follow the example of my honorable friend from North Carolina, [Mr. MANGUM,] by refusing to be tried for my votes on that fortification bill before this Senate. I shall not plead, as he declared he would, to the jurisdiction. Here, or elsewhere, I stand prepared to refute and put down all accusations that have been, or may be now, levelled against me for my conduct as a member of this body, in regard to our foreign relations, as well as the great duty of providing for the national defence. No matter where, or by whom, a charge against any vote of mine on those subjects has been made, sir, I answer them all, that I have been faithful to the country, and that I am ready to prove it.

The first charge in which I, in common with every other member of the Senate, am involved, was made by a member of the House of Representatives from Massachusetts, [Mr. J. Q. ADAMS,] in his place, during the last session. After the proceedings of the Senate on the report of our Committee on Foreign Relations, and our unanimous vote to sustain the resolution which was recommended by that committee, as modified by the chairman, [Mr. CLAY,] that member of the House, at the last session, pronounced in debate that the Senate had *dodged the question.* Yes, sir, according to his judgment at the time, men of all parties here; men of the most opposite political opinions; friends and foes; administration men, whigs, and anti-masons, had all combined to dodge the question, because all had united in a vote on the 14th of January, 1835, declaring that, at that day, no legislative provision ought to be adopted in relation to the state of our affairs with France. The member from Missouri, [Mr. BENTON,] and the chairman, [Mr. CLAY,] the members from Pennsylvania, New York, Georgia, Tennessee, and every other State; men who never were before arraigned together on the same charge, and who, whatever other faults may have been imputed to them, were certainly never before charged with dodging any thing, were all thus arraigned together. Passing over for the present the kind feeling exhibited by such a remark towards our chairman, [Mr. CLAY,] and, indeed, all others here, and the degree of decorum which it evinced towards the whole mass of members in a co-ordinate branch of the Government, I ask now that the Senate may turn their attention to the propriety of the vote thus condemned. On the very day we thus voted, by way of response to the executive message recommending reprisals, Mr. Livingston, in Paris, was inditing a despatch to our Secretary of State, in which he uses the following language. Referring to the *projet de loi*, or bill of the French Chambers to make the appropriation for payment of our whole claim, he says, in his letter dated Paris, January 14, 1835: "The law, it is said, will be presented to-day, and I have very little doubt that it will pass. The ministerial phalanx, re-enforced by those of the opposition (and they are not a few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote. The recall of Serurier, and the notice to me, are measures which are resorted to to save the pride of the Government and the nation." Sir, if Mr. Livingston had been present on the 14th of January last, holding the seat in this chamber which he formerly held, he must, for the very reason assigned in this despatch, have joined with us all in our vote. If we dodged the question in Washington, he, too, was dodging it at the same time in Paris; for, at the very time we were voting the resolution, he was writing the very reason for adopting it in a letter. Yet this despatch and the contents of this letter were wholly unknown to us until the 26th day of February, after our vote was given, when it was communicated by the President in a message to the other House, and ordered to be published. [Mr. C. here referred to the document of that date, and, having read it, continued.]

Sir, was there ever before presented to the mind of man more conclusive evidence of wisdom, foresight, firm, lofty, and patriotic purpose, in any statesman, than was given by the chairman of our Committee on Foreign Relations, [Mr. CLAY,] who drew that report, and under whose lead we all, with one voice, yielding up, as we all did that day, every party feeling on the altar of our country's welfare, voted a respectful but unanimous and decided dissent from the executive recommendation of reprisals, which we published to the world in connexion with the report, vindicating to all mankind the justice of our claims on France, and avowing a fixed resolve to insist on the execution of the treaty? It was a moment when a mistake on our part would have been fatal to the peace and prosperity of the whole country. It was a moment when, if we had yielded to the impetuosity of the executive recommendation, war must have been inevitable. It was a moment when, forming our own opinions from the data disclosed in the report, without any knowledge of the existing views of our minister at Paris, and possessed of no such means of ascertaining them as the President enjoyed, we dared to differ with him, and frankly to express our determination not to comply with his desire for hostile measures. At such a crisis in our affairs, we dared to stake our character before the people by the firm expression of an opinion which, if erroneous, would have prostrated us for ever. We staked upon it, under all the disadvantages of our situation, as to means of information, compared with the Executive, all that the statesman's aspirations can hope for, and all that the patriot's heart can wish; feeling that, if we erred, we should be denounced, but that, if right, we had saved our country from one of the greatest curses that could befall it. The report, sanctioned by this unanimous vote, was wafted across the Atlantic as rapidly as the winds and waves could bear it; and the effect of its reception in France was immediately perceptible there, in the general restoration of kind feeling towards our countrymen. That proud, sensitive, and warlike nation, at once felt that there was a power in this country to control the irritable and impetuous temper of the Executive; equally prepared, on the one hand, to offer no insult to any foreign nation, and, on the other, to submit to no meditated injury when mild and pacific remonstrances should fail to obtain redress for it. Sir, it was eminently by the force of this powerful document, this unanimous vote of the Senate, that the friends of justice and peace in the French Chamber of Deputies quelled the fierce spirits, eager there to find even a plausible pretext for a war, which, while it would have inflicted incalculable damage upon France, must, also, in six months, have swept our commerce from the ocean. The whole debate on the *projet de loi* shows it. Yet, sir, for this act we were charged with having dodged the question. The member of the other House who made this charge was, at the time, a prominent candidate for the vacant seat in the Senate from the State of Massachusetts. The election was still pending there when the charge was made. In a few days afterwards (I refer to his speech of the 14th February, 1835, for the fact) the same member appeared again in his place in the other House, and, by way of some atonement for his own denunciation, made an effort to dodge its effects upon himself, by declaring that, had he not been stopped at the time by the Speaker of the House for using disrespectful language of the Senate, he would have recommended to the Representatives of the nation also to dodge the question.

Sir, the Senate has been again attacked for the same vote, and from the same quarter. Not satisfied with his last year's exploits in the field against us, which were entirely unprovoked by us, but were passed over in pity to him and sincere respect for the feelings of his former friends, the same individual has introduced into another body a resolution to furnish him with a standing theme of declamation against us: and in a public newspaper has now assailed the very resolution in reference to which he, last year, on the 14th February, declared in a public speech in the other House, that "he thought that the Senate had acted as it was their duty to do; and the conclusion to which they had unanimously arrived was the conclusion which he should have been desirous that the House should adopt." Sir, is it not astonishing that this very same gentleman should, but the other day, have published of this same resolution, that it was "a resolution not only declining to do that which the President had recommended, to vindicate the rights and the honor of the nation, but positively determining to do nothing--not even to express a sense of the wrongs which the country was enduring from France;" that "no trace was to be found upon the journals of the Senate of the last session of Congress of sensibility to the wrongs which our country was enduring from France; and if upon those journals such a trace could be found, it must be to clearer and more searching eyes than his;" that the simple vote of the other House that the treaty should be maintained, and its execution insisted on, and which, he says, was moved by him, was "not only a departure from the *do-nothing* policy of the Senate, but might be felt to contain a pungent though tacit rebuke upon that paralytic policy;" that, had the Senate concurred in the three million appropriation "that vote would have made the Senate the unwilling accessory to implied censure upon its own quietism under foreign wrong?" Yes, sir; these and other like phrases, accompanied by charges of "overbearing arrogance," have been within a few days fulminated against that very Senate by the identical individual who last year proclaimed the very vote he now censures as that vote which, of all others, he would have recommended the House of Representatives to adopt. This second assault upon that Senate (a majority of which was composed of his friends when a majority of the people had driven him from power) is foiled and made powerless by the rashness and folly of its author. It falls on all parties, and alike, unfortunately for the real object of the individual who made it. Its effect is to insult even the most violent of the hot and high-toned advocates of executive power, though its only design was to strike down the powerless but inflexible opponents to executive encroachment in this body. I was pleased to be able to say to the honorable members from Missouri and Pennsylvania themselves, while I read this passage, stand up you who are so given to accusation against others, and hear the indictment against yourselves, for evincing by your vote for the Senate's resolution of the 14th of January last, a want of due and patriotic sensibility for the wrongs inflicted on your country by France. Sir, those gentlemen would do well to make some efforts to defend themselves against the attacks of others, before they commence any more assaults upon us; and this I will now endeavor to demonstrate to their satisfaction, better than by reading extracts from the speeches of the member of the other House who has assailed them in common with all the members of the last Senate.

The principal attack on me and my political friends here rests on the fact that we refused to vote on the last night of the last session for the following amendment, then proposed by the House of Representatives to the fortification bill:

"*And be it further enacted,* That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance and increase of the navy: *Provided* such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

Before this amendment was offered, the appropriation bill providing for fortifications, which originated in the other House, had passed the Senate, which had already added by way of amendment $421,000 to the sums originally proposed by the House as sufficient. It was not until about 8 o'clock at night of the very last day of the session that the House proposed this amendment to our amendments, after rejecting some of ours, and among which so rejected by the House was an increase of $75,000 made by the Senate to the appropriation to rebuild Fort Delaware.

The gentleman from Pennsylvania [Mr. Buchanan] has misconceived the scope of the argument against this three million amendment, and particularly that of the gentleman from Massachusetts, [Mr. Webster,] who preceded him in this debate. Independently of the notorious fact that no such extraordinary appropriation was asked of us by the Executive, whose duty it was, if this sum was wanted for defence, to communicate the fact to Congress, most of those who voted down that amendment did hold, and did so express themselves at the time, that an appropriation in such general terms, proposing no object of expenditure but "the naval and military service," was forbidden by the spirit and the letter of the constitution. If it be new to him, it is because the gentleman has entirely overlooked the principle upon which the Senate acted. Sir, I invite the gentleman to examine the subject, which he says is novel to him, and to defend his vote, if he thinks he can do so, when we who voted otherwise retaliate upon him and his associates who endeavored to carry this amendment, by charging them with having, so far as they were able to effect it, assisted to break down the best barrier provided by the constitution against the absorption of the legislative in the executive power. With the view to test the confidence of honorable gentlemen in their opinions, as well as the accuracy and extent of their researches on this subject, it may be useful to ascertain how far they will carry their principles. I beg leave to know of the honorable gentleman from Pennsylvania whether, if the proposition for which he voted had been to appropriate three or thirty millions, "to be expended in whole or in part under the direction of the President, for the civil, naval, and military service, including fortifications," &c., he could have supported it consistently with his constitutional obligations or not? I pause for a reply to this question.

[Mr. Buchanan said he did not consider himself bound to declare any opinion beyond the one before expressed. He would, therefore, decline answering the question put to him by the gentleman from Delaware.]

Mr. Clayton continued. Sir, it was the part of prudence not to answer. I put the question to him, because I know of no man here, advocating his doctrine, better prepared or better able to resist or parry such a blow than the honorable gentleman himself. I claim no right to catechise him; but if he should think proper to answer the question proposed to him on another day, after he has had ample time to select that horn of the dilemma presented by it which pleases him best, it will gratify some of his friends here, among whom I rank myself, to learn whether he can possibly be driven to the absolute surrender of all legislative power to the Executive, so far as regards the appointment of the uses to which the public money shall be applied; or whether he will prefer, on reflection, to encounter the foregone conclusion which a denial of the constitutionality of so broad an appropriation as I have proposed for his consideration must necessarily result in. That amendment, for which the honorable gentleman and his political friends in this body did vote, proposed no other objects for expenditure than the naval and military service, including fortifications, ordnance, and increase of the navy. One hundred, or even ten dollars, bestowed on the objects included in the sweeping phrase "naval and military service," would satisfy the requisitions of the law, and leave, under the direction of the President, the whole residue of the three millions to be applied to any kind of naval and military service which he might designate. A law, in the very same words, granting fifty millions, to be expended by the President as he shall think proper, "for naval and military service," is not prohibited by the constitution if this be not. A law granting all the money in the treasury, to be expended under his direction, or as he shall think proper, "for civil, naval, and military service," is not prohibited by the constitution if this be not. The result then is, that whenever a popular President is in office, Congress must grant the whole money in the treasury, if required, or the whole sum requisite for civil, naval, and military service, which will embrace all the known objects of legitimate expenditure under this Government; or, should they fail to do so, they must subject themselves to the very exceptions taken to the vote of the Senate by the gentleman from Tennessee, [Mr. Grundy,] who intimated that the vote of his colleague [Mr. White] and others here indicated that they had not confidence in the President. Such a construction breaks down the Legislature whenever a popular man is at the head of the Government; and a popular Executive is the only one from which either the friends of the Legislature or the constitution can have any thing to fear. Should such a construction be established, it must inevitably lead Congress at last to a vote, under the administration of some popular chief, of all the money requisite for the support of Government, without any further designation of object or restriction of power than this—that the President shall expend it for the public service. In that day, no Senator here shall dare raise his voice against it, or, if one should follow our example, the charge of want of confidence in the President will crush him as a rebellious subordinate, and a factious legislator; the people themselves will hunt him down, and the State Legislatures will recall him, with a view to send another to expunge his vote. If our Government is to endure for any considerable period, it will witness the elevation to power of many men far more popular than President Jackson has ever been; and should the doctrine of the friends of the administration now become, by the prostration of the Senate for this cause, the received exposition of the constitution, the next popular Executive, pointing to this precedent, may demand it as due to the character he possesses, and as evincive of the confidence to which he is entitled, that a grant of three millions, for naval and military service, to be expended under his direction, shall be annually inserted in the appropriation bill. Another, ambitious of still further exhibitions of confidence, will soon demand a greater sum, under pretext of some other exigency; and, at last, precedent being built upon precedent, the legislative power will expire under these reiterated blows, and, with it, the liberties of the people. Sir, I have set my face against all this doctrine, with a stern resolution to resist it to the utmost. I will make no terms, I will know no compromise with it. I read in the constitution that no money shall be drawn from the treasury but by appropriations made by law. And I have heard no plausible answer to the simple but conclusive argument, that an appropriation does, *ex vi termini*, necessarily import a designation, an allotment or setting apart, for specific objects, specific sums of money. I go for the established definition of the word, as the English language was spoken, written, and understood, when the constitution was made, and as it is now and has ever been understood. I deny that a grant of fifty millions, "for the public service," to be expended under the direction of the President, is any appropriation. It is nothing more than an unconstitutional attempt to delegate representative power. It strikes at the root of the whole principle of representative government. I deny that a grant by Congress of three millions of dollars to the President, for the "naval and military service," differs a whit in principle from a general grant of all the revenue to be expended by the President for the naval and military service. In either case he may raise an army or build a navy with the money. The eighth section of the first article of the constitution gives to Congress alone the power "to raise and support armies," and "to provide and maintain a navy." In the execution of this trust power, we owe it to the country and its constitution to define, if practicable at the time to do so, how many men shall compose the army which we undertake to raise and support; what kind of troops it shall consist of; how many ships shall compose the navy which we undertake to provide and maintain, and of what class they shall be; and, in general, the whole course and practice of Congress, under the constitution, *ab urbe condita*, has been in accordance with this duty. The three million amendment was not only objectionable because it was a departure from our whole course of legislation in these particulars, but because it was, if sustained, a grant of money to raise either an army or a navy at the discretion of the President alone, without even limiting the amount to be applied to either purpose. It was an abandonment of the whole trust confided to us, to the full extent of the sum to be taken thus from the treasury.

The power "to raise and support armies," and to "provide and maintain a navy," conferred by the eighth section of the first article of the constitution, is accompanied by other trust powers in the same section, a reference to which may be useful to illustrate the extent to which the principle contended for by the advocates of this amendment will carry them. Would it be constitutional, I ask, to grant three millions, or any other sum, to be expended under the direction of the President, for the purpose of "laying and collecting taxes, duties, imposts, and excises," without specification of the tax, duty, impost, or excise, or even the extent of each? or for the purpose of "borrowing money on the credit of the United States," and "regulating commerce," without directing how much should be spent in borrowing money, how much in regulating commerce, how much money should be borrowed, and how the commerce should be regulated? or for the purpose of "coining money, and fixing the standard of weights and measures," without saying how much should be spent for each purpose, and even without declaring how the money should be coined, and how the standard of weights and measures should be fixed? or for the purpose of "establishing post offices and post roads," "defining and punishing piracies and offences against the law of nations," "declaring war," and "exercising exclusive legislation over the District?" Sir, upon what principle is it that any man can sustain the constitutionality of this proposed amendment, under which the President was authorized to raise an army or provide a navy, so far as three millions would effect it, if he cannot also sustain a grant of power over three millions to be expended by the President in "declaring war," without saying when or against what nation it shall be declared? If one of these trust powers can be thus delegated, all that are given by the same clause may be delegated; and the boundary between executive and legislative authority hereafter may be broken down, and will be broken down, whenever, in the future progress of our Government, an ambitious usurper shall appear, claiming and exacting, on the mere score of his popular character, the confidence of Congress.

Sir, I say, therefore, to the honorable gentleman from Pennsylvania, that I envy him not the enjoyment of that pride which he professed to feel when he declared that he viewed the period of his midnight vote for this abominable proposition as the proudest moment of his life. The honorable gentleman does not profess to have examined the constitutional question. I feel too much respect for him as a jurist to believe for a moment that he has deliberately, and on full investigation, determined this question to suit the vote he gave. And be it now understood, in sheer justice to him and others who did in this and the other House vote for that proposition, under the impulse of sudden feeling, on the very last day of the session, in the midst of the bustle and distraction of a scene of which men who have not at some period of their lives represented their fellow-citizens in one or the other House of Congress can have no adequate conception, that this proposition was sprung upon the members of the other House, and passed not only, as the gentleman says, without time to discuss it, but without time for any man to weigh it and consider it in its most remote and most alarming consequences. The feeling which impelled gentlemen to this sudden and dangerous vote was, in general, doubtless patriotic. Yet, even amidst the distracting hurry of the scene of a last day's session, all men of the party most devoted to the Executive in the other House did not obey the impulse of feeling and concur in that vote; and in this no less than twenty-nine members, among whom were some of all parties, rose, after but a few moments of reflection, against it. Nothing could have been more unexpected. In confirmation of the remark made by the gentleman from Pennsylvania, that the President himself had not prepared any member for it by asking him to move any such proposition, and of his further observation that there was no time to discuss it, let me remind the members of the last Senate of the manner in which, as I observed at the time, we were routed at night out of a secret session by a message from the House to announce it. Sir, if a bomb-shell had suddenly exploded on the floor of the Senate, it could scarcely have produced greater surprise and consternation among those who were not in the confidence of the Executive, nor acquainted with the midnight movements and secret wishes of his partisans.

It is in vain, sir, that the honorable gentlemen who commenced this war on us for that vote now seek to find shelter from the storm of the attack upon themselves, for their unconstitutional proposition, by case-hunting through the whole mass of congressional precedents for a single one to sustain them. The statute book does not present a parallel to it. An appropriation of two millions "for pay and subsistence" of troops under an act of 1806, authorizing the President to call out the militia, and two large appropriations "for foreign intercourse," made in the years 1806 and 1808, the instances relied on by honorable gentlemen as furnishing precedents for their votes, are examples not of general but of specific appropriations, the objects being designated in the grant of the money.

[Mr. C. here read these and other acts, to show that the appropriations contained in them were all of a specific character.]

We every year pass appropriations in the same words, and the language thus applied is understood to designate the object for which our money shall be expended, so that it cannot be applied to any other purpose. When Mr. Jefferson came into office, he carried the doctrine for which I contend so far as to recommend in his message of the 8th of December, 1801, the "appropriation of specific sums to every specific purpose susceptible of definition," and it was this principle upon which his disciples most plumed themselves as exhibiting their scrupulous regard for the constitution, however those who now claim to be his exclusive followers have abandoned this great land mark of his party. The whole range of legislative precedents established by successive Congresses which supported his administration, and the subsequent administrations of this Government, acquired a character in consequence of the earnestness with which the democratic party insisted on the principle of specific appropriations, which accounts at once for the failure of honorable gentlemen, who now advocate the contrary doctrine, to find a single authority to support them. Sir, another reason for their failure may also be assigned. President Jackson, when he came into office, professed to act on the principle of specific appropriations, as well as the other doctrines of Jefferson. In his inaugural address, delivered on the 4th March, 1829, after pledging himself to an economical administration, and the counteraction of that profligacy caused by a profuse expenditure of public money, he says: "Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money." And even in his message of the 7th of December last he says: "No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character." He adds: "The duty of the Legislature to define, by clear and positive enactment, the nature and extent of the action which it belongs to the Executive to superintend, springs out of a policy analogous to that which enjoins upon all the branches of the federal Government an abstinence from the exercise of powers not clearly granted." He afterwards again reiterates: "The same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress!" Again, in the next paragraph, he says: "In my former messages to Congress, I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various departments."

Sir, all these messages were looked to by his partisans as the texts from which they were to preach, and the creed on which their political salvation depended. If they, having always had the power to prevent, in the other House, the passage of any law making an appropriation without specification of object, could have produced another example in which they had

> "Kept the word of promise to the ear,
> But broke it to the hope,"

it would have been, indeed, but another melancholy commentary on the instability of all human professions, and the utter worthlessness of that sounding patriotism which explodes in party pledges.

Indulge me in another question to the honorable gentlemen on the other side of the House. Had this proposition been couched in such language as would have authorized the President to take our places in this chamber, and decide, while we withdrew to give him the undisturbed use of the room, how three millions of the public treasure should be disbursed "for the naval and military service," would a man among them have acceded to it? Why not? Had such a proposition been adopted, it would have been quite as good an appropriation; quite as definite a specification of the purposes for which the money should be expended; and, in one most essential particular, such a proposition would have been greatly preferable to that for which they voted: for, although it would have exhibited less confidence in the President than the vote they gave, which allowed him to decide at any time within nine months what should be done with the money, it would have required of him to come here and tell us at once to what uses the money should be appropriated. We might have gone into the gallery, as quiet spectators of his exercise of the legislative power; but we should have enjoyed the satisfaction of hearing his decision at the time; and, while we yet lingered in the Capitol, we could have congratulated one another on the mode and manner in which his wisdom had disposed of the money. When we wended our way back to the people, we could then have told them what was to be done with their three millions: as, what forts were to be built, and where they were to be erected; what ships and what arms were wanted; or what number of troops should be raised for their army. This would have given the workmen and contractors for public jobs amongst us an opportunity of entering into competition with the executive favorites; for then, having some chance to know what was to be done, they could have put in their bids for the public works to be erected. I could have gone home rejoicing in my ability to answer the earnest interrogations of my constituents, whether Fort Delaware was to be rebuilt; whether the breakwater was to be defended; and whether frigates or gunboats were to be used in the Delaware, in the event of a war. But honorable gentlemen will now perceive that the vote they gave was a much more alarming surrender of their legislative power. They yielded up their trust, and gave the President, with it, the privilege of keeping his intentions secret until the moment of expenditure; their only restriction upon the period allowed for his exercise of it being that he should spend it at some time "prior to the next meeting of Congress;" when, indeed, upon their principle of confidence, they ought again to have assembled, voted twenty millions at once for the public service, to be expended by the President "prior to the next meeting of Congress," and adjourned without further expense to the people. Sir, I do solemnly denounce this proposition, which the Senate alone resisted on the last night of last session, as a measure in principle no better than the regulations of Caligula, who suspended his laws on pillars so high that men might not read them in the public ways. Even his laws might have been read by the aid of ladders. But by what possible means could that portion of the people who have no access to the private ear of the President have climbed to the information of his plans of defence, during the period for which he was to have been permitted to keep his purpose secret?

Viewing this proposed appropriation of three millions of dollars without restriction, specification, or limitation as to objects other than the naval and military service, as not only unconstitutional, but as destructive of the first principles of representative government; having considered and expressed his solemn conviction, after a year's deliberation, that it laid the foundation for the introduction of dictatorial power in this Government, and contained the very language in which a dictator might be appointed under a pretence of some future pressing emergency, the honorable gentleman from Massachusetts, [Mr. WEBSTER,] in the midst of a strain of fervid eloquence and indignant remonstrance against this attempted outrage, which has not been equalled in the debate, and cannot be excelled, had declared that "if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, he would not agree to it; that the people of this country have an interest, a property, an inheritance, in the constitution, against the value of which forty Capitols do not weigh the twentieth part of one poor scruple." Taking authority for so doing from another part of the Capitol, I read the following remark, as published in the National Intelligencer, in reference to this sentiment: "Sir, for a man uttering such sentiments, there would be but one step more, (a natural and easy one to take,) and that would be, with the enemy at the walls of the Capitol, to join him in battering them down."

And he who published this, has also published that, when he uttered it, he "was interrupted by a spontaneous burst of feeling and applause." But, he adds, "the indiscretion was momentary, and the most respectful silence followed."

Sir, I pass over without notice the account given of "applause," and "a spontaneous burst of feeling," and "indiscretion," and then "the most respectful silence." Indeed, I know nothing of these allegations, except as I find them here stated. But, in regard to that denunciation of the sentiment of my honorable friend from Massachusetts, [Mr. WEBSTER,] who is this day elsewhere necessarily detained, and in reference to the particular individual who was the author of that denunciation, I have something to say.

The opinion expressed in this denunciation is, that it would be a natural and easy step for the Senator from Massachusetts to take, to join the enemies of his country in war--in other words, to turn traitor, and merit by his treason the most ignominious of all deaths, with an immortality of infamy beyond the grave!

And for what? The Senator from Massachusetts had expressed a preference for the constitution to the Capitol of his country. He had dared to declare that he prized the magna charta of American liberty, the sacred bond of our union, the tie which binds together twelve millions of freemen, above the stones and mortar which compose the crumbling mass within whose walls we are assembled. "The very head and front of his offending hath this extent—no more." No man here has questioned, in the most violent moments of party excitement, not amidst the fiercest of all political strife, his purity of purpose in debate. Grant to him, what all others who have any title to the character of gentlemen demand for themselves, that he believed what he said; grant that, in his judgment, as well as that of many here, the very existence of our liberties is involved in the surrender of the principle he contended for; grant that the concentration of legislative and executive power in the hands of a single man is the death-blow to the constitution, and that the Senator was right in considering the proposed appropriation as establishing the very principle which gave that fatal blow; and who is he that, thus believing, would support that proposition, because the guns of the enemy were battering at the walls of the Capitol? Where is the coward, where is the traitor, who would not rather see the Capitol than the constitution of his country in ruins; or who would lend himself to the establishment of a despotism among us, with a view to save this building for the despot to revel in? Sir, in the days when Themistocles led the Athenians to victory at Salamis, he advised them to surrender their capitol for the preservation of the constitution of their country. That gallant people rose under the impulse of patriotism as one man, and with a stern resolution to yield life itself rather than abandon their liberties, and surrender the proud privilege of legislating for themselves to the delegate of a Persian despot, who offered teem "all their own dominions, together with an accession of territory ample as their wishes, upon the single condition that they should receive law and suffer him to preside in Greece." At that eventful period of their history, Crysilus alone proposed the surrender of their constitution to save the capitol; and they stoned him to death. The public indignation was not yet satisfied; for the Athenian matrons then rose and inflicted the same punishment on his wife. Leaving their capitol, and their noble city, rich as it was with the productions of every art, and glittering all over with the proudest trophies and the most splendid temples in the world; deserting, in the cause of free government, the very land that gave them birth, they embarked on board their ships, and fought that battle, the name of which has made the bosoms of freemen to thrill with sympathy in all the ages that have followed it, and shall cause the patriot's heart to beat higher with emotion through countless ages to come.

I repeat, sir, what no man who knows the Senator from Massachusetts has ever doubted, and what no man who has a proper respect for himself will ever question, that he was sincere in declaring that he viewed the proposition under debate as involving the surrender of the most valuable trust reposed in us by the constitution to a single man; and as one which, while it delegates the legislative power to the Executive, establishes a precedent to prostrate the constitution for ever. Then tell me, what should be the fate of that man, (if such a man can be found,) who, having owed his elevation to the highest office in the world to that gentleman and his friends, and having been sustained in the administration of it by the exertion of all the powers of that giant intellect which is now the pride of the Senate and the boast of the country, could, without other provocation, have published that such a friend, after giving utterance to such a sentiment as he did in debate here, would find it a very natural and easy step to turn traitor to his country by joining with her enemies in war? Sir, all good men will say that the convincing argument which could have induced from such a quarter such a remark, the author of that comment will find, not in the observation he has condemned, but in his own heart; and those who are acquainted with past events will add, that it has proceeded from one who has habitually found it a very "natural and an easy step" to turn traitor to his friends. Such a man should never be suffered by honorable men to stand in any party again; for this unprovoked denunciation proves that its author will be false to all parties, and true to no friend. I will do those in power the justice to say that I do not believe they have ever invited his embraces, or proffered him any office, however that may be the true object for which he has thus shamefully denounced his friend and abandoned his party. No, sir; if he be a political traitor, they

> "Gave him no instance why he should do treason,
> Unless to dub him with the name of traitor."

[Mr. Clayton was here called to order by the Chair, (Mr. King,) on the ground that it was not allowable by the rules to reply to what had been said in the other House at this session.]

Mr. C. said that he had not named any man in the other House as the author of the remarks which had just been the subject of his comment; and that, by making observations on what had appeared in a newspaper, he had only followed an example which had been lately set by a member of that House.

Mr. C. continued. Sir, I will not follow that example, after the Chair has reminded me that it would be improper to pursue it further; and I willingly dismiss the disgusting specimen of human ingratitude which gave occasion for my remarks, without further consideration.

Having now, sir, disposed of so much of the subject as relates to the constitutional question involved in the "three million amendment," I take issue with the gentlemen who have sought to prove that the Senate caused the loss of the fortification bill, on two remaining points.

First, then, I say that the loss of this amendment, in the form in which it was presented, does by no means prove that even an extra grant of three millions would have been refused, had it been offered for specific purposes of defence, involving no constitutional question, and accompanied with a request from the President, who was bound, by his oath under the constitution, to ask it if it was necessary. On the contrary, sir, I have not the slightest doubt that, had the President asked for the three millions for defence, alleging that it was necessary in his opinion, and requesting the passage of a law in the usual form of specific appropriations, of the propriety of which the Senate could have judged, it would have had the vote of a majority of the Senate. If, however, the President had asked the three millions for the purpose of adopting any measures which must necessarily have produced a war with France, I have as little doubt that the Senate would have refused it.

Sir, the gentleman from Pennsylvania says, (as one speaking by authority,) that the President never asked any member of Congress to move this proposition. We learn from a debate in another place that the Executive did desire it to be made at the time, but also desired that the fact should not be made known.* Information of the President's wishes, or of the views of any Department, ought not to be communicated in midnight whispers to a chosen few; all are equally entitled to know the executive recommendation.

In the second place, I deny that it by any means follows, although gentlemen have alleged it, that the loss of the whole bill, providing for fortifications and defence, was necessarily caused by the failure of the proposed amendment. The agreed facts are, that, after we had rejected it, a committee of conference was appointed by both Houses; that this committee met and readily agreed to a substitute for the lost amendment, consisting of two specific appropriations for defence, together amounting to $800,000; that they parted with a perfect understanding that this was all that was necessary; that the Senate's committee reported accordingly; and that the Senate was perfectly prepared to adopt the recommendation of the committee, and anxious thus to secure the passage of the bill; that, after waiting here a long time for the action of the House, which had the bill in its possession, the Senate sent a message "respectfully to remind" the House of this bill, which had not been acted on, and continued to wait here until it was perfectly certain that the other House had utterly refused to take up the bill again, or transact any other business. Sir, the bill fell (and I say it was notorious at the time that it fell) because the committee of conference on the part of the House refused to report the amendments which they themselves had agreed upon in committee, until the lateness of the hour furnished them with that miserable excuse for their conduct which the Senator from Tennessee, [Mr. GRUNDY,] and a very few others, still venture to maintain as sufficient. I refer to the pretext that it was midnight; at which witching hour, as these gentlemen now contend, Congress was dissolved, and the session had expired.

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*See the speech of Mr. Wise, of Virginia, on this subject.

But the fact is conclusively established by the statement of the honorable gentleman from New Hampshire [Mr. HUBBARD] himself, who was one of the conferees on the part of the House, and one of the friends of the administration, that, when the conferees separated, it was not twelve o'clock, and there was time to pass the bill before that hour, had the House been so disposed. Sir, he says he knows this fact; for, at the time, he looked at his watch. Our conferees returned here a considerable time before midnight. The recollection of the honorable gentleman from Virginia, [Mr. LEIGH,] who also looked at his watch, is, that when they returned it was not eleven o'clock. Sir, this pretext, set up as an excuse for the conduct of the other House, is thus proved, by men of all parties, to be untrue in point of fact, and the result of an entire misrecollection. But suppose it was twelve o'clock at night when the conferees agreed: was it ever before in the history of this Government pretended, by either House, that a bill could not be passed after midnight of the last day? Sir, you know well that, since we have served together in the Senate, the President has signed many bills after midnight which were passed after midnight. At the end of the very first Congress after he came into power he was up until long after that hour, and the Senate and House both closed their labors about the rising of the sun on the ensuing day, being constantly engaged through the whole night in the passage of bills, which were signed without objection that we have heard of. Such, all agree, has been the practice of the Government from the earliest period. You and I remember, sir, that, on one occasion, the Senate met after sunrise on the 4th of March, transacted executive business, and communicated with the President in regard to it. This practice is said to be founded on the belief that the congressional day commences and terminates at noon, instead of midnight; that Congress never has convened on the first day of any session before twelve at noon; that, until that hour, no member takes his oath, nor is either House organized; and that the pay of every member must commence only with his qualification and his labors. Sir, I presume there was not a member of either House who refused to accept his full compensation for the last day of last session, on the ground that he did not serve after midnight, or was *functus officio* when the clock told that hour. If the doctrine of the gentleman from Tennessee be correct, how did it happen that he took full pay, as for the whole of that last day, although he could act only for the half of it? The gentleman from Pennsylvania repudiates this whole doctrine, and says he has never had, and never shall have, any difficulty in doing his duty after midnight. The party generally appears to be ashamed of this pretext. And how has the conscience of the gentleman from Tennessee himself rested under fifty votes which he has probably given after midnight, within my knowledge? He now contends that he was *functus officio* on all those occasions, and had no right to vote. If, says he, the congressional day does not terminate at twelve at night, why is it so common to set the clock back? I answer, because we have always had two or three tender consciences like his own to deal with; and, so long as these gentlemen could see the clock stood still, they said they were not bound to look at their watches. They went by "Capitol time," and having examined the constitutional question, how long they were bound to stay at work for a whole day's pay, some of them would leave us on a scruple of conscience when our clock struck twelve; but I never heard that one of them gave up any part of the pay.

The gentleman from Pennsylvania, with a view to make up the issue in such shape as would put the Senate on trial with the best advantage to himself, announced that the true question for discussion was—who is blameable for the present defenceless condition of the seaboard? Sir, I shall not avoid the examination of that question. It presents no difficulty. As to the fact, upon which he dwelt so earnestly, that it is defenceless, he has already seen that I concur with him and others who have proclaimed its defenceless condition. He may add as much more coloring to that picture of the danger arising from this neglect as his imagination can supply him with, and and I shall not seek to deface or obscure it. He may ring it again and again in the ears of the people, that, in the event of a rupture with a foreign country, our cities would be sacked, our coast pillaged, and our people butchered. The more he magnifies the danger, the greater will be the condemnation of those who, for seven years past, have held the power to prevent this state of things, and have neglected their duty. Sir, his political friends have held the reins for a longer period; for they had their majority in Congress before the termination of the last administration. In the other House, they have ever since held an overwhelming influence; and in this, with the exception of the last three years only, they have also been in a constant majority. The other House never proposed a measure for defence, before last session, in which the Senate refused to concur; and, what is more worthy of note, they never proposed a bill for defence to which the Senate did not add largely by amendment. For seven years, during which time I have held a seat here, the action of the Senate was always quite as prompt as that of the other House on these subjects, and, indeed, if my memory be correct, we were generally in advance of them. Sir, it is in vain that the gentleman seeks to cast that fearful responsibility arising out of more than seven years' neglect of our Atlantic seaboard, upon the minority in Congress. In vain does he invoke the judgment of the public for our naked and exposed condition against that Senate which, during the two or three years when the administration has not been able to control its vote, has been made the scapegoat to bear nearly all the other neglects and trangressions of those in power. The fact is, and every man now within sound of my voice knows it, or ought to know it, that, not only has our whole system of improvement been checked, but the defences of our country have been shamefully neglected, since the present party came into power, on the miserable pretext of paying off the national debt—a debt which was never pressing, and which would have been easily extinguished by the operation of the old sinking-fund act, long before it could possibly have been felt as an injury, if internal improvements had been still properly encouraged, and our seacoast had been properly fortified. Witness now that wonderful exhibition of financial skill and statesmanship by which, when all the other debts had been disposed of, the old thirteen millions, drawing an interest of only three per cent., and nearly all in the hands of foreigners, was paid off, in despite of all remonstrances, for the sake of making the vainglorious boast that, during this administration, the whole national debt was extinguished. At the time we were paying these three per cents. the army, the navy, the fortifications, the roads and canals, the improvement of our rivers, and even the ordinary facilities for commerce, were neglected. Lighthouse bills, improvement bills, and bills to distribute a portion of the avails of the public domain among the States, for the purposes of improvement and education, were either voted down or vetoed down, and all for glory—ay, for the glory of paying off the national debt, by withdrawing from the people the use of their money, which was surely worth to them, not only for defence, but for improvement, the legal rate of interest, and extinguishing a debt in the hands of foreign creditors drawing three per cent. only. Why, sir, the fact is notorious, that such has been this miserable and morbid excitement, industriously kept up to gratify party pride and folly, that scarce a week has elapsed within the last seven years in which some newspaper editor has not reminded us of the glory of this administration in paying off the national debt; yet, during all this time, the gentleman from Pennsylvania says, our whole seaboard has been left naked and exposed to any invader, our cities have been constantly in danger of being sacked, our coast pillaged, and our people butchered, without the means of resistance in the event of a war. This glory has left us all the while at the mercy of any foreign Power which could have chosen at any moment to assail us.

The only salvo now relied upon to sustain those in power from their own charge against the Senate of leaving the whole seaboard defenceless, is, that a majority (not all) of their party friends in Congress did, at the last moment of the last session, propose and vote for this "three million amendment." But what could have been effected with that money if we had granted it? Would that have built up fortifications, and put the navy and army on a war establishment, within the nine months allowed for its expenditure? Sir, if it had been applied to no mischievous purpose calculated to induce a war with France, which some think was its real design, its effects upon the seacoast in erecting forts would not have increased the permanent security of the country to a perceptible extent before the meeting of Congress. If, through the whole period during which this administration has been in power, we had been regularly progressing with a system of national defence, properly adapted to the wants and means of the republic, we should hardly yet have been in a state of preparation for war becoming such a country and such glorious institutions as ours. Labor itself cannot always be commanded by money, and time is indispensable in the proper construction of all great works; and an error not uncommon in regard to our public works of every description has been, to do in months what should be the work of years. But in order to show the gentleman from Pennsylvania and his friends how utterly indefensible they are when arraigned on their own charges, let us now concede, for the mere purpose of argument, that this "three million amendment," upon which they relied, would have been sufficient for putting the army and navy on a war establishment; that it could have effected all this in nine months, and that it was necessary to expend it. I ask them, how comes it about that they have suffered two whole months of the present session to pass away without renewing this or some similar proposition? and how do they excuse themselves for not having proposed so salutary a measure at an earlier day during the last session? The moment of the vote on that amendment, the gentleman says, he shall always look upon as the proudest moment of his life. Doubtless, in his estimation, it was a most happy vote for him. Then, why not renew it? Why does that patriotism whose midnight vigils receive so much applause slumber during the broad daylight, and why has it slept so long? He has known that the only objection of many among us to the proposition was a constitutional objection, which, by altering the proposition from a general to a specific one, he could obviate. Then, why has he not proposed it, or something like it, for the last two months, during all which time, according to his own language, we have incurred the danger of having our cities sacked, our coast pillaged, and our people butchered, for the want of it? Since last session all intercourse with France has been suspended; a powerful fleet, we are told, has been hovering near our coast and acting as a fleet of observation, and, with the vigilance of a hawk, ready to stoop on our unprotected commerce from its commanding position, or to attack our naked seaboard at the slightest notice.

To the question, why this measure was proposed only at the last moment of the last session, the honorable member from Pennsylvania has already attempted an answer. He took especial pains to bring us to the point of time at which this amendment was rejected. His object seemed to be to demonstrate that then the patriot should have spoken out, by the surrender of his constitutional scruples, and the delegation of his representative power over the public treasure to the President. He reviewed the state of our relations with France for the very purpose of showing that, at that period, our affairs were at a peculiarly dangerous crisis, and labored to excuse himself and his friends who brought forward this proposition at that time, by making the impression upon his hearers that there was just then a new impulse given by recent intelligence from France to the adoption of measures preparatory to a war. But, sir, most unfortunately for this excuse, the intelligence to which he has referred was decidedly of a pacific character, and was precisely that very information by which any reasonable man, however apprehensive of danger before its arrival, would have been convinced that then there was not the slightest apparent necessity for a resort to any measures of a hostile character. Sir, the honorable gentleman (doubtless by mistake) repeated only a part of a sentence in the letter of Mr. Livingston to the Secretary of State of the 15th of January, 1835, which was communicated to the other House by the President's message of 26th February last. But, however favorable to his position the sentence may have been as he repeated it in the hurry of debate, yet when the part which he omitted is supplied, the whole is absolutely fatal to it. The passage in Mr. Livingston's letter to which he referred is in these words: "If the law should be rejected, I should not be surprised if France anticipated our reprisals by the seizure of our vessels in port, or the attack of our ships in the Mediterranean with a superior force." Mr. Livingston then expressly predicates his apprehension of danger upon the contingency of the rejection of the law to which the gentleman did not advert; and I have already shown that Mr. Livingston had carefully informed us in his previous letter of the 14th January, sent here by the same hand, and communicated to Congress with the letter of the 15th, that his decided conviction was that the law would pass; that the ministry were re-enforced by a powerful portion of the opposition in the Chambers determined to avoid hostilities, and sufficient to carry the vote; and that the very measures which had before alarmed us, (the recall of Serurier and the notice to our minister,) were measures which were resorted to merely to save the pride of the French Government and the French nation. Sir, this, the only evidence referred to by the honorable gentleman, to inculpate me and my friends for not joining with him in his midnight vote, proves conclusively that if those who acted with him were justified by their apprehensions of a foreign war, in proposing such a measure as they did at that time, they were grossly derelict of duty, and faithless to their trust, in not having proposed any proper measure of defence at any period of the session before the arrival of this pacific intelligence, and when, by their present reasoning, it is made apparent that there must have been in their minds reasons for alarm seriously and afflictively oppressive to their patriotic hearts. But that sensibility to danger, which is now avowed to have been felt only at the very point of time when this vote was given, caused by a new and sudden impulse of patriotic feeling, on reading Mr. Livingston's despatch, slept for a week after the despatch was in their hands, and slumbered through the whole session of Congress, before that witching time of night when, contrary to all reasonable analogy, it was first roused to action. Months had passed away, yet not a whisper had been heard from it. The war message of the President, the recall of ministers, and the known refusal of France to pay the money, with all calculations of the effect of the message on her national pride, had not affected its slumbers. All the while it slept, and even snored. For those who profess to have felt it stirring on the night of the 3d of March, had joined with us in the vote of the 14th of January, 1835, declaring that then (when there was certainly much greater excuse for feigning apprehension) no legislative measures whatever ought to be adopted in reference to the state of our affairs with France. France heard the note across the Atlantic, and felt assured that a sensibility which gave such evidence of its slumbers would not suddenly awaken to prepare for war; and its effect was to lull her too into a state of tranquillity. Sir, what a pity for us was it, if all this apprehension was justifiable at that period, that it was not awakened until the conscience of the honorable member from Tennessee [Mr. GRUNDY] and his friends in the other House, awoke to stifle all the exertions of those who felt it—that twelve o'clock conscience, which was roused by the first blast of the party bugle, to start scruples destructive to the fortification bill, but which took a nap before the next crowing of the cock, lest it should interrupt the passage of the bill to repair the Cumberland road.

Then, sir, as to the peculiar excitement which has been alleged to have existed in the public mind on the 3d of March last, and which has been assigned by the gentleman from Pennsylvania as another excuse for proposing this grant of three millions at that particular moment. What excitement does he refer to? We know there was no alarm among the people at that period; no apprehension either felt or expressed on account of any threatened hostilities. I have recurred to some files of papers of that day, and find their general tone was just what we should have expected after the publication of Mr. Livingston's letters, giving assurances that the act of indemnity would pass. I know that a great effort was made in the other House, for a few days, to get up an excitement; there was much debate there about our relations with France, and the result of it all was, that the precious hours which remained of the session, and which ought to have been devoted to the real business of the people then pressing that House, were consumed in a tedious discussion which resulted in a vote that the treaty ought to be maintained, and its execution insisted on—the mere echo of the sentiment in the unanimous report of our Committee on Foreign Relations, made six weeks before. Most of the highly important bills which had passed the Senate were thus utterly neglected by that House; and, in addition to the bill to regulate the public deposites, and the others mentioned by the Senator from Massachusetts, was one of far more importance to the peace of the country—I mean, sir, the bill to settle and establish the northern boundary of the State of Ohio. That bill had twice passed the Senate, and on both occasions, under some pretext, or for some reason, no test vote could ever be obtained to ascertain the sense of the other House upon it. Last year it was talked down by the discussion about the French treaty; and the result was, that we have been nearly involved in a civil war, on account of the unsettled claims of Michigan and Ohio. That single bill was worth more to the peace and happiness of the country than all the discussions and resolutions of the other House in regard to France. Sir, it would be no difficult matter to run up a catalogue of similar injuries to the public business; but I forbear. My only object in noting these things at all is to show the honorable gentlemen who have unjustly assailed the Senate for the loss of a single bill, how easy it would be for any one who felt an appetency for such an undertaking, to carry the war into their own ranks with success, on account of their neglect of bills vastly more important to the public interest. Sir, I take no pleasure in such attacks, and I leave them to others.

What may have been the motive for this ill-timed and unprovoked assault upon the last Senate, by certain members of the present, the world will judge. When the honorable gentleman from Tennessee, who occupies the seat nearest to the chair, [Mr. WHITE,] addressed you in vindication of his own vote, given against the amendment for three millions, some thoughts, I do confess, occurred, which led me to form my own conclusions as to the real object of this war upon that vote. That honorable gentleman said that he craved a severance on the trial under the indictment preferred against the majority of the Senate, and pleaded his acquittal by the Legislature of Tennessee, which had unanimously reelected him since he gave that vote. Sir, it may be that if he were not joined in the bill of indictment, others here would hardly have been put on their trial. It may be considered necessary to make the most of this, the only offence which he has committed against the administration; but I can hardly yet believe that, even among his old political friends, he need apprehend a condemnation for that vote, should he go to trial with the rest of us before the country under the general issue. The difference in the votes of the honorable Senators from Tennessee, [Mr. WHITE and Mr. GRUNDY,] on the amendment to the fortification bill, has called up some reminiscences of by-gone events, exhibiting some other differences between them. When I first came into Congress, they were both considered so true to the administration, and so effective in its aid, that, out of sheer compliment among their friends here, they were called "Jackson's Tennessee rifles." They both proved true for a time, and told, with unerring certainty, in every conflict with those who opposed the Executive. But, although both were called good rifles, there was an allowed difference between them. One missed the mark altogether, during that famous contest which was carried on here about the time of Mr. Foot's resolution. It was believed to have been near bursting in consequence of being overcharged with nullification powder. There was also another failure. This same rifle was assigned to the defence of the Post Office, and was charged to the muzzle for keeping and maintaining that position; but the post was carried by its assailants, and the defence was censured by those who directed it, because the enemy entered in despite of the garrison, and exposed most piratical depredation which had been committed on the people. For my own part, I have always inclined to attribute this failure to the indefensible condition of that post. But, said Mr. C., (pointing to the seat of Mr. White,) the old Tennessee rifle which has stood against that desk ever since I first knew it, was a rare piece, and always has attracted my especial admiration; although fighting on the other side, I never liked to see it come into action. For six years, although it was almost every day engaged, it never snapped, missed, or hung fire; nor was it ever said to have failed to hit the mark, until about midnight of the 3d of March last. The people of Tennessee, who are said to be excellent judges of a good shot or a gallant blow, have since decided that this was a most "palpable hit," and that however others, who are ignorant of the qualities of a first-rate weapon, may have foolishly desired to break the old rifle of the West, they still hold it entitled to the first rank when employed for their defence; and will never consent that it shall either be injured by abuse, or left out of service. Even those who have condemned it, because, as they think, it has once missed the mark, may relent, when they reflect that it has been clearly shown in this debate that, on the occasion alluded to, the President himself did neither charge it nor pull the trigger.

Sir, jesting apart, I ask, why was it that the Senator from Tennessee who is farthest from the chair, [Mr. Grundy,] with others here, who now portray in such vivid colors the dangers arising out the loss of their favorite amendment, did not exhibit some signs of life at the time the extra appropriation for specific purposes of defence, amounting to five hundred thousand dollars, was lost here on the 24th of February last? That amendment was, as I have on a former occasion stated, first moved by me in the Committee on Military Affairs, in the shape of a proposition to instruct the chairman of that committee, [Mr. Benton.] It was made, as I have stated, in advance of any similar suggestion from any other quarter. After it was made, the chairman called on the Department of War for an opinion in regard to it, and it was approved by the proper officer, as appears by the report of the committee. It was reported, as I have once before stated, in connexion with another amendment to the bill providing for fortifications, which was also first moved by me in committee, to double the appropriation proposed by the other House for rebuilding Fort Delaware. The latter amendment was first taken up by the Senate in Committee of the Whole on the 24th of February, 1835, and debated until the day was nearly spent. No man raised his voice with mine for this except the chairman, to whom, for his assistance in the debate, I tender, not only for myself, but for the people whose interests I represent, my respectful thanks. After a protracted discussion we carried this amendment, and then the chairman made the motion for the large extra appropriation for defence which I had proposed. He waived the motion at the request of the chairman of the Committee on Finance, [Mr. Webster,] on whose suggestion the Senate took up another amendment, appropriating an additional one hundred thousand dollars for arming the fortifications which had been moved by the Military Committee. This last amendment was adopted; and then the chairman of "the Military Affairs" [Mr. Benton] renewed the motion for the half million appropriation. It had my vote, but it fell without a whisper from any man in its favor, except the chairman and myself; and I repeat my conviction, that it was lost in a thin Senate, at a late hour of the day, in consequence of another suggestion from the chairman of the Committee on Finance, that a similar proposition was pending before that committee, and would probably be substituted for it. Sir, I find, by examination of the minutes, that the Committee on Finance never did actually propose any substitute for it. But it is true that the Senate's committee of conference on the fortification bill, two-thirds of whose members were also members of the Committee on Finance, and having the same chairman, [Mr. Webster,] reported a substitute for it in the extra eight hundred thousand dollars for defence, which was lost, as has been seen, by the neglect of the committee of the other House to report it, after it had been fully agreed upon in the conference. And now, sir, having been an eyewitness to all that occurred in this chamber in reference to these matters during the last session, permit me to bear my testimony to the strict fidelity, the untiring vigilance, and patriotic course, of the honorable Senator from Massachusetts who presided at that session over our Committee on Finance. There was not a man within these walls who was more devoted to the defence of his country, or whose efforts exceeded his, when they could be exerted in that cause consistently with his other constitutional obligations. I do not feel, however, that his conduct needs vindication from me or any other; for, although the transient spirit of party may have sought to obscure his exalted character in the eyes of those who are easily led by misrepresentation into error, honorable fame has already encircled his temples with a wreath of unfading verdure, and impartial history shall hereafter emphatically designate him, amidst all the compatriots of his day, as the able, the eloquent, the fearless champion and defender of his country's constitution.

Sir, I have done. Permit me only to make the motion which I have advocated, to strike the word "surplus" out of the resolution, so as to pledge the whole revenue of the country for its defence, if rendered necessary by any exigency; and to express the earnest hope that the resolution, when thus amended, may receive the unanimous vote of the Senate.

When Mr. Clayton had concluded,

Mr. WHITE rose and referred to the precedents cited by two of the gentlemen who had preceded him in the debate, and which he said had been erroneously relied on to support the three millions amendment of the last session. The circumstances under which these appropriations were made had not, in his opinion, received that attention necessary to enable them to form a correct opinion of the motives influencing the votes then given. In order to show to the Senate what little reliance could be placed on these appropriations as precedents for the attempted appropriation of three millions, and what little similarity there was in the cases, he would briefly refer to them, as well as to the journals of Congress of the period, explaining the circumstances under which they were made.

The first precedent relied on was found in the administration of President Washington. It was an act passed in 1794, providing "that a sum of one million dollars, in addition to the provision heretofore made, be appropriated to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any moneys which may be in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who is hereby authorized to borrow the whole or any part of said sum of one million of dollars; an account of expenditures whereof, as soon as may be, shall be laid before Congress."

Now, he apprehended, if there was nothing more than what appeared from this law, it would not warrant the inferences that had been drawn from it; for the appropriation was for but one object, (foreign intercourse,) which must necessarily have been left to the discretion of the Executive, and an account for every dollar expended was to be rendered to Congress. The money was to be applied to foreign intercourse, and to no other purpose; and when they came to settle the accounts of expenditures under this appropriation, they were not obliged to look under a great many different heads of expenditures, to find all the items. They had to look only at foreign intercourse to see if the money was applied to foreign intercourse, and to no other purpose. But how was it with regard to this three million appropriation? To ascertain how this money was expended, they would have had to look under a great many different heads of expenditure in order to see what had been expended for this fortification and for that; how much for arms, how much for munitions for war, &c.; and the same examination must be made for expenditures for the navy. It was obvious that Mr. Jefferson had it in view to avoid difficulties such as these when he recommended specific appropriations. This three million appropriation was brought forward under circumstances wholly dissimilar to those in which the one million appropriation was made under General Washington's administration. Was it recommended by any committee of Congress, after having passed through an examination by it? Had it been called for by any communication from the President, or had any estimates been made by any department of the Government on which it was based? No. It was applied for simply as an amendment to an amendment of the Senate, on the mere motion of a member of the House of Representatives, without any recommendation whatever, at his own will and pleasure, and on his own responsibility. But was it possible that Congress did not know what was to be done with this one million of dollars appropriated in General Washington's time? The journals of Congress of the period would show the purpose for which it was to be applied, and were so full and so plain as to leave no doubt on the subject. General Washington applied for this money, and told Congress what he wanted to do with it. He made a confidential communication to Congress in secret session, although it was to become the subject of legislative action. The object was to redeem from captivity American citizens who were prisoners in Algiers; and the law making the appropriation for it was not more specific, because it was deemed necessary to keep that object secret, not from the American people, but to prevent foreigners from speculating on us, and perhaps defeating it altogether. The reason why this appropriation was not more specific was not for the purpose of giving a broader discretion to the Executive, but for the purpose of concealing the object from foreign nations. There would be no difficulty in finding out what this appropriation was wanted for, if gentlemen would only take the trouble to look over the journals of Congress of the period.

[Here Mr. WHITE read from the journal of Congress of 1794, page 96, the passages referred to by him.]

By tracing the journals, it would be found that this matter went through all the stages of the most formal legislation, before the bill finally passed into a law. In addition to this, the President made another communication to Congress in confidence, and on March 3, of the same year, an act was passed authorizing a loan of one million of dollars to raise the money before appropriated. Now, he would ask, what similarity there was in this case and the three million appropriation of the last year? In the one case there was a communication from the President, saying that, in his opinion, the appropriation was necessary, and defining the object for which it was to be applied. Then the appropriation went through all the forms of legislation before it became a law. But this three million appropriation was introduced on a mere motion of a single member of the House, as an amendment to an amendment, without any executive recommendation, or any estimate from any department of the Government. And yet the first was relied on as a precedent to sanction the latter. Now, if they were to be governed by precedents, instead of the constitution, as some gentlemen argued, and precedents were to be stretched some ten years hence as much as they had been in this instance, they would find the President nothing to do but to spend the money they appropriated, at his own discretion, and at his own will and pleasure.

How was it as to the other precedent that had been relied on, made in the time of Mr. Jefferson, the great apostle of liberty, and head of the republican party? In the 4th volume of the laws of the United States, page 3, would be found an act as follows: "that the sum of two millions of dollars be, and the same is hereby, appropriated towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account to be laid before Congress as soon as may be." The next act was found at page 41, authorizing the raising of 100,000 militia or volunteers, at the discretion of the President, who was to call such a portion of them into actual service as he might deem necessary; and the sixth section of the act provided an appropriation for the pay and subsistence of these men. Now, the gentleman thought that they had another precedent in this act for the three million appropriation. But what were the circumstances under which it was passed? The act grew out of a communication made by Mr. Jefferson to Congress, which was of such a delicate nature that he did not choose to make it public, and therefore sent it to Congress in secret session. This was in 1805. In 1802, as it was well known, we made a treaty with Spain, who, so far from carrying it into effect, was suspected of exciting the savages on our frontiers to acts of aggression on our border inhabitants. In this state of things, President Jefferson came forward and disclosed to Congress the whole state of our relations with Spain, and recommended the raising this force of 100,000 men, and the appropriation of this two millions for their support. The object was to defend the frontiers from the attacks of savages, whether instigated by Spain or any other nation. Congress examined all the matters connected with this executive communication rigidly, and after the act had passed through all the forms of legislation in the House of Representatives, with a perfect understanding of what the appropriation was wanted for, it passed that body, who sent it by a committee of their own to the Senate for concurrence. Whoever would take the trouble of looking into the journals of Congress would find that he was correct in every thing he had stated. The first two millions of dollars was to be applied by the President for the purchase of that very country (Florida) we always desired to purchase, and which we could never purchase until the administration of Mr. Monroe. They passed an act to raise a hundred thousand men, and then appropriated funds to support them; and they appropriated money, to be at the disposal of the President, for foreign intercourse, which they supposed would induce Spain to enter into the contract for the sale of Florida. The bill went through all the necessary forms of legislation; and so important was it considered that its object should be kept secret, that it was not sent to the Senate for concurrence in the ordinary manner, but was sent by a committee of three members of the House. What was the reason for making the objects of this appropriation secret? If the object of the appropriation had been expresed in the law itself, it would have been telling Spain that we suspected her of exciting the Indians on our borders to acts of hostility against us, and she would also have obtained information enabling her to take undue advantage of our desire to purchase Florida. Take the journals, (said Mr. W.,) read every thing throughout in regard to this appropriation in Mr. Jefferson's time, and so far from its being found to be a precedent sanctioning this three million appropriation, it will be considered one of the strongest precedents for those who voted on the other side of the question. This three million appropriation was not founded upon any executive recommendation or estimate whatever, but was introduced on the mere guess and conjecture of an honorable member of the House. Sir, (said Mr. W.,) it was an entire departure from all precedents. If this was a proper mode of disposing of the public money, he must confess he had been taught in a school where the principles of our Government were not rightly understood. He had been taught to believe that the President should, from time to time, give information to Congress of the state of the country; to give them not only facts, but to recommend measures for them to adopt. This done, he had performed his duty; and it was for Congress then, on its responsibility, to mould into shape and fashion the measures he recommended. He confessed he should justly be deemed the tool of the administration, if he voted to give money to the Executive, to be expended at his will and discretion, without defining the object for which it was appropriated. The principle for which I go (said Mr. W.) is to give money for specific objects, and to say it shall be applied to them and to no other. When he voted against this appropriation at the last session, he had no doubts, as he had none now, that the President would apply the money faithfully, according to the best of his judgment; but if he had said this much of those subordinate to him, through whose hands the money must have gone, he would have told a great untruth. If we set precedents, (said Mr. W.,) what is to become of us when we have a President in whom we have no confidence? Had they passed this three million appropriation, it would be cited, perhaps, as a precedent some fifty years hence, when it shall be attempted to raise money to be expended at the executive discretion: and then they will be able to say that they had precedents set by General Washington; by the great apostle of liberty, Mr. Jefferson; and, lastly, by the republican administration of General Jackson. The greatest danger was in setting precedents during a popular administration. It was too easy a matter in such a case to set them; while, on the other hand, under an unpopular administration, it would be exceedingly difficult, if not impossible, to induce Congress to grant any improper discretionary powers. There is (said Mr. W.) but one plain course for us to pursue. Let us (said he) take the constitution for our guide; and let us establish no precedents which, in time to come, may be used to our danger. I will vote against such (said he) so long as I can have the power to say no. And although the President now said that this three million appropriation was in accordance with his views, yet, as he did not say so at the time it was before Congress, he thought it was his duty to vote as he then did. He had merely risen to set gentlemen right with regard to the precedents they had cited with so much confidence, and he would therefore no longer take up the time of the Senate.

Mr. GRUNDY remarked that he had but a very few words to say, for he did not intend again to go into a discussion of the questions involved in the debate. As he had, however, introduced the precedents in the times of Washington and Jefferson, which had been commented upon by his colleague this morning, it was proper that he should say something in reply. In the early part of the debate, and before he (Mr. G.) had addressed the Senate, it had been urged by several Senators who had voted against the three million appropriation at the last session, that it would have been a violation of the constitution. He (Mr. G.) had introduced the precedents referred to, for the purpose of showing that appropriations conferring more ample discretionary powers on the Chief Magistrate had been made while they (General Washington and Mr. Jefferson) filled the chief executive office, than was proposed by the three million appropriation; and Mr. G. said he had argued that, unless the acts passed in 1794 and 1806 were unconstitutional, neither was the appropriation proposed at the last session any violation of that instrument. The force of this argument is now met, by showing that each of the acts referred to were passed in pursuance of executive recommendations. This is, in my humble opinion, no sufficient answer to the precedents cited, or the argument founded upon them. An executive recommendation cannot change the constitution, or make that measure or act constitutional which, without it, would be unconstitutional. An exposition or argument contained in a President's message may show the policy or expediency of a measure, but it never can render that constitutional which, without it, would be unconstitutional. Mr. G. therefore insisted that the argument he had used had not been weakened by any thing that had been said in reference to the acts he had cited having been founded on executive recommendations. Mr. G. said he wished to say one word to the gentleman from Delaware [Mr. Clayton] before he resumed his seat. That Senator had been pleased to say that there have been two occasions since his (Mr. C's) appearance in the Senate, in which it was thought by some that he (Mr. G.) had flinched or flashed. The first was a speech made by Mr. G., which partook too much of nullification. Upon this point he would only remark that, upon a former occasion, he had given in his experience to the Senate, and his conduct met with no censure; and, what was of more importance, he had been tried before his constituents, and persecuted with great zeal, and they had pronounced that he stood justified, or at least excused. The second instance named by the gentleman from Delaware was in relation to the Post Office Department. About five years since, the Senator from Delaware had made an assault upon that Department; it fell to the lot of the individual now addressing the Senate to defend that Department; that defence he (Mr. G.) made as well as he could, in all cases where he considered it defensible.

The Senator from Delaware denounced it, and renewed his assaults from time to time; and he (Mr. G.) was always ready to give the Senator from Delaware, according to his (Mr. G's) feeble abilities, as sociable a reception as he could.

And how far the Senator from Delaware obtained a triumph, had as well be left to others to decide. Had the Senator from Ohio [Mr. Ewing] boasted a little on this subject, instead of the Senator from Delaware, there might have been more appearance in his favor. He, the Senator from Ohio, had commenced the war upon the Post Office Department at the same time with the Senator from Delaware; and he had continued in the service down to the present day. And still Mr. G. could not see that achievements worth boasting of had been performed by any one. As to the Senator from Delaware, after he had commenced the war upon that Department, and had prosecuted it for three years, he became tired, threw up his commission, and retired from the service. Mr. G. admitted that, to him, the contest was very severe and unequal; that, with the assistance alone of his able and efficient friend from Illinois, [Mr. Robinson,] he had contended against the Senator from Delaware [Mr. Clayton,] Mr. Ewing, of Ohio, and Mr. Knight, of Rhode Island; that, after the Senator from Delaware [Mr. Clayton] had quit the service, the Senator from New Jersey [Mr. Southard] was put in his place; and he, although not in the habit of yielding to the pressure of circumstances, had his place now supplied by the Senator from Massachusetts, [Mr. DAVIS.] Now, he (Mr. G.) would say that, although he was willing to admit the great superiority of those with whom he had contended for the last five years, yet he could not see nor feel that they had much to boast of in this long and protracted controversy in relation to the Post Office Department.

Mr. BENTON, after some conciliatory remarks on Mr. CLAYTON's proposed amendment, said that a good consequence had resulted from an unpleasant debate. All parties had disclaimed the merit of sinking the fortification bill of the last session, and a majority had evinced a determination to repair the evil by voting adequate appropriations now. This was good. It bespoke better results in time to come, and would dispel that illusion of divided counsels on which the French Government had so largely calculated. The rejection of the three millions, and the loss of the fortification bill, had deceived France; it had led her into the mistake of supposing that we viewed every question in a mercantile point of view; that the question of profit and loss was the only rule we had to go by; that national honor was no object; and that, to obtain these miserable twenty-five millions of francs, we should be ready to submit to any quantity of indignity, and to wade through any depth of national humiliation. The debate which has taken place will dispel that illusion; and the first despatch which the young Admiral Mackau will have to send to his Government will be to inform them that there has been a mistake in this business—that these Americans wrangle among themselves, but unite against foreigners, and that many opposition Senators are ready to vote double the amount of the twenty-five millions to put the country in a condition to sustain that noble sentiment of President Jackson, that the honor of his country shall never be stained by his making an apology for speaking truth in the performance of duty.

It was in March last that the three millions and the fortification bill were lost; since then the whole aspect of the French question is changed. The money is withheld, an explanation is demanded, an apology is prescribed, and a French fleet approaches. Our Government, charged with insulting France, when no insult was intended by us, and none can be detected in our words by her, is itself openly and vehemently insulted. The apology is to degrade us; the fleet to intimidate us; and the two together constitute an insult of the gravest character. There is no parallel to it, except in the history of France herself; but not France of the 19th century, nor even of the 18th, but in the remote and ill-regulated times of the 17th century, and in the days of the proudest of the French Kings, and towards one of the smallest Italian republics. I allude, sir, to what happened between Louis XIV and the Doge of Genoa, and will read the account of it from the pen of Voltaire, in his Age of Louis XIV.

"The Genoese had built four galleys for the service of Spain; the King (of France) forbade them, by his envoy, St. Olon, one of his gentlemen in ordinary, to launch those galleys. The Genoese, incensed at this violation of their liberties, and depending too much on the support of Spain, refused to obey the order. Immediately fourteen men of war, twenty galleys, ten bomb-ketches, with several frigates, set sail from the port of Toulon. They arrived before Genoa, and the ten bomb-ketches discharged 14,000 shells into the town, which reduced to ashes a principal part of those marble edifices which had entitled this city to the name of Genoa the Proud. Four thousand men were then landed, who marched up to the gates, and burnt the suburb of St. Peter, of Arena. It was now thought prudent to submit, in order to prevent the total destruction of the city.

"The King exacted that the Doge of Genoa, with four of the principal Senators, should come and implore his clemency in the palace of Versailles; and, lest the Genoese should elude the making this satisfaction, and lessen in any manner the pomp of it, he insisted further that the Doge, who was to perform this embassy, should be continued in his magistracy, nothwithstanding the perpetual law of Genoa, which deprives the Doge of his dignity who is absent but a moment from the city.

"Imperialo Lercaro, Doge of Genoa, attended by the Senators Lomellino, Garibaldi, Durazzo, and Salvago, repaired to Versailles, to submit to what was required of him. The Doge appeared in his robes of state, his head covered with a bonnet of red velvet, which he often took off during his speech; made his apology, the very words and demeanor of which were dictated and prescribed to him by Seignelai," (the French Secretary of State for Foreign Affairs.*)

Thus, said Mr. B., was the city of Genoa, and its Doge, treated by Louis XIV. But it was not the Doge who was degraded by this indignity, but the republic of which he was Chief Magistrate, and all the republics of Italy besides, which felt themselves all humbled by the outrage which a King had inflicted upon one of their number. So of the apology demanded, and of the fleet sent upon us, and in presence of which President Jackson, according to the Constitutionnel, is to make his decision, and to remit it to the Tuilleries. It is not President Jackson that is outraged, but the republic of which he is President; and all existing republics, wheresoever situated. Our whole country is insulted, and that is the feeling of the whole country; and this feeling pours in upon us every day, in every manner in which public sentiment can be manifested, and especially in the noble resolves of the States whose Legislatures are in session, and who hasten to declare their adherence to the policy of the special message. True, President Jackson is not required to repair to the Tuilleries, with four of his most obnoxious Senators, and there recite, in person, to the King of the French, the apology which he had first rehearsed to the Duke de Broglie; true, the bomb-ketches of Admiral Mackau have not yet fired 14,000 shells on one of our cities; but the mere demand for an apology, the mere dictation of its terms, and the mere advance of a fleet, in the present state of the world, and in the difference of parties, is a greater outrage to us than the actual perpetration of the enormities were to the Genoese. This is not the 17th century. President Jackson is not the Doge of a trading city. We are not Italians, to be trampled upon by European Kings; but Americans, the descendants of that Anglo-Saxon race which, for a thousand years, has known how to command respect, and to preserve its place at the head of nations. We are young, but old enough to prove that the theory of the Frenchman, the Abbe Raynal, is as false in its application to the people of this hemisphere as it is to the other productions of nature; and that the belittling tendencies of the new world are no more exemplified in the human race than they are in the exhibition of her rivers and her mountains, and in the indigenous races of the mammoth and the mastodon. The Duke de Broglie has made a mistake, the less excusable, because he might find in his own country, and perhaps in his own family, examples of the extreme criticalness of attempting to overawe a community of freemen. There was a Marshal Broglio, who was Minister at War at the commencement of the French Revolution, and who advised the formation of a camp of 20,000 men to overawe Paris. The camp was formed. Paris revolted, captured the Bastile, marched to Versailles, stormed the Tuilleries, overset the monarchy, and established the Revolution. So much for attempting to intimidate a city. And yet here is a nation of freemen to be intimidated, a republic of fourteen millions of people, and descendants of that Anglo-Saxon race which, from the days of Agincourt and Cressy, of Blenheim and Ramillies, down to the days of Salamanca and Waterloo, have always known perfectly well how to deal with the impetuous and fiery courage of the French.

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*It was this Doge who gave that lively answer which French vivacity still loves to repeat. Being asked by a courtier what he found most strange and wonderful at Versailles, he replied, "to see myself here."—Note by Mr. B.

In the course of the remarks (continued Mr. B.) which I had the honor to submit when I first introduced my resolution, I took occasion to refer to what I thought was matter of history, namely, that the opposition of the Senate to the three million contingent appropriation had lost that appropriation, and, also, had lost the fortification annual appropriation bill to which it was attached; and that these two losses had left us defenceless, and, what was more serious, had left us with the appearance of not being willing to defend ourselves; and that this sad exhibition of divided counsels, and naked frontiers, had drawn upon us the impending visit of that imposing fleet which seems to be the only negotiator which French susceptibility now condescends to employ in the existing controversy with her ancient ally. I thought, Mr. President, that, in speaking of these things, I was doing nothing more nor less than making reference to historical facts; and had no expectation of exciting a feeling, or eliciting a warm remark, much less of provoking a discussion which has continued so many days, and enlisted so many orators. Many speakers have, indeed, taken the field against me, but with an effect the reverse of what usually results from numbers. The more the stronger, is the law of numbers; but the more the weaker has been the effect here. For every speaker has a different reason to account for the same thing; while truth, which is single, admits of but one reason; and thus each confutes the other. One gentleman lays the blame upon the House of Representatives; another absolves the House and censures the President; a third throws it upon the representative branch of the committee of conference; others, again, lavish the whole blame upon individuals of that committee; and, to complete the circle of inconsistent solutions, and to attack one that is never spared, there are others who charge it upon the presiding officer of this body--upon him who had no concern in the affair in any shape whatsoever. So many inconsistent answers are, each and every, a refutation of the other, and might absolve me from further trouble than to confront this series of contradictions, and to leave the whole to die of each other's condemnation; but I will not limit myself entirely to this brief task. I will expand a little; and touching, at a few points, this circle of inconsistencies, I will show what I first said to be strictly true, namely, that the Senate is the responsible party, first, for the loss of the three millions; secondly, for the loss of the fortification bill; and, thirdly, for the impending visit of the French fleet, and for the demand for explanation and apology.

In presenting the Senate as the responsible party for these losses, and their consequence, as I had the honor to do in my introductory remarks, gentlemen have assumed that I had indicted the Senate! and thereupon, incontinently, great indignation has been prepared and exploded. Certainly I never intended to indict the Senate for this matter, but simply to state an historical fact; but, since gentlemen will have me to prefer an indictment, there is something, at least, they must allow me: they must allow me an elementary conception of the constitutional mode of trying people in our country! For I have not proceeded *ex parte;* I have not indicted the Senate behind their backs, nor tried them when absent; nor condemned them unheard; nor denied them the privilege of self-defence; nor considered their defence as a breach of my privileges, or an insult to my dignity! All this they must allow me; and then there is something else which must be allowed me: and that is, that I have shown myself so far capable to conduct an indictment as not to be turned out of court for an error in the venue: for, as at common law, when a mortal wound is given in one country, and the wounded man dies in another, the slayer may be tried and hanged in either country; so, in this case, where the fortification bill received its death wound in this chamber, and died of that wound in the House of Representatives, the killers of the bill may lawfully be brought to justice here.

The question before the Senate has two branches, each very distinct from the other, and not to be confounded in debate, nor involved in one confused decision. The first branch of the question is as to the loss of the three million appropriation; the second branch of it refers to the loss of the bill to which it was attached. It is my purpose to treat these branches separately, and to show that the three million appropriation was the main loss, and the bill the subordinate and incidental loss; and that the Senate was the cause of both losses, avowedly in the principal case, and proveably in the incidental one.

I say the three millions was the main loss, and establish that assertion, first, from its amount, for it was three times the amount of the other, and, next, from its character, for it was an avowed preparation against contingent danger. It was in these words. "The sum of three millions of dollars, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy; provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress." These were the words. The Senate rejected the appropriation so worded; and the rejection stood in France as the solemn declaration of the Senate that they would not provide for the defence of the country, although necessary, before they met again. It is in vain that Senators search their own bosoms and find reasons for their vote of rejection; the record bears the fact as I have stated it—as a contingent appropriation for the necessary defence of the country, and its rejection! and to the French it could appear as nothing more nor less than as a refusal to sustain the policy of the President, and as the final act which put the seal upon all those speeches which had justified France, and condemned the chief of our own Government.

In this light it appeared to the French, and the effect was instantaneous and decisive with them. It induced them to change their tone, and emboldened them to take higher ground. And the Senator from Pennsylvania [Mr. Buchanan] has well shown, by a clear narration of facts, and by a close collation of circumstances, that to this most lamentable vote of the Senate we are indebted for all the French measures so offensive to our feelings the legislative demand for explanations—the dictated apology—and the fleet that is sent to observe us. Thus, the loss of the three millions was the main loss, both for its amount and its character, and for the moral effect which a refusal to vote money for the defence of the country, even though necessary for that defence before Congress met again! and for this loss the Senate is incontestably and avowedly responsible. There is no dispute on this point. The House of Representatives passed it; the Senate rejected it; and there was an end of it.

Whatever room there may be for contesting the responsibility of losing the fortification bill, there is none for contesting the loss of the three millions, which has done all the mischief. Conscious of this, the gentlemen of the opposition lay out all their strength in laborious arguments, and minute details, in vindicating themselves from the loss of the fortification bill, while the infinitely more important loss of the three millions is slightly run over with an admission and a justification. The Senate admits it made that loss, and justifies it; but what a justification! First, because it was not recommended by the President; next, because it was not specific, and was, therefore, unconstitutional; and, thirdly, because it put dangerous power in the hands of the President. These are the three points of defence, and let us briefly examine them.

1. As to the want of the President's recommendation. That is true in fact, but futile in import. The President did not recommend the three millions to the Senate, but the House of Representatives did; and it was a case in which their recommendation should be more potential than his. It was a money bill, and the House of Representatives, as the immediate representatives of the people, are the especial guardians of the purse. All tax bills must originate there; and, by consequence, all large appropriations, the expenditure of revenue being so nearly akin to the imposition of a tax, and often involving it, come with peculiar propriety from that branch of Congress. It is in vain to say that this appropriation was suddenly adopted in the House of Representatives upon the motion of a member. Granted. But when it was adopted, it was no longer the proposition of the member, but the act of the House, and came to the Senate with all the claim to respectful consideration which is due to the act of the whole body. But it is supposed that the President gave private information of his wishes to some of his friends, and withheld it from others, and that the effect was to entrap the uninformed. He (Mr. B.) presumed that this was all a mistake. It was not in unison with the President's character, which was that of extreme frankness, and it was not consonant with the fact in his own case; for he had never heard a word of the President's wishes—he, who, as chairman of the Senate's Committee on Military Affairs, and as a friend to the administration, would have had a right to the very first information where there was a designed discrimination between friends, had never heard of the matter, one way or another. His first knowledge of the three millions was from the reading at the Secretary's table. He had never heard of the President's wishes, never heard of Mr. Cambreleng's notice in the House of Representatives, never heard of his motion, never seen the passage in the Globe, never heard that the three millions were coming until announced in the Senate; and if he had known of the President's wishes, he should not have communicated them to the Senate, it being unparliamentary and a breach of the privileges of the body, to do so. The President communicates to the Senate, responsibly, through a message, and not irresponsibly, through a member; and to report his opinion upon bills, to influence the action of the Congress, is irregular and unparliamentary, and a reprehensible breach of the privileges of the body; and such is the law of Parliament. He should suppose, then, that whatever might have happened in communicating his wishes to some, and not to others, was purely accidental. Certainly, if any one had a right to think himself slighted, he had; for, in his double character of chairman of the Committee on Military Affairs and friend to the administration, he should have stood first on the Senatorial list for the insidious communication.

2. As to the unconstitutionality of the appropriation, because not specific, Mr. B. would not travel over ground which had been so well occupied and so fully explored by others. He would not repeat what had been so often and so well said, that the constitution had but two provisions on the subject of appropriations: first, that the money should be drawn from the treasury by law, and next that it should be accounted for. He would not repeat what had been already so fully established, that the doctrine of specific appropriations, so desirable in itself, is matter of practice only, a reform of Jefferson's time, slowly introduced, often departed from, and in some branches of the expenditure only established within a few years past. He would leave all this where his political friends had placed it, and take up the question in another way, in a more practical point of view, like a plain man engaged in an affair of business, and would demand how it happened, if want of specification was the real objection, how it happened that no attempt was made to cure so slight a defect by the natural and easy process of amendment? Why did not some one move to amend by dividing the gross sum into parcels, and assigning so much to each object? This is no figure of speech, no rhetorical interrogation to enforce an argument, but a real question, which he should be glad to hear some gentleman answer, and for which purpose he would cheerfully give the floor.

[Here Mr. WEBSTER rose, and stated, that by the rules of the House no motion could be made to amend the amendment, under the circumstances of the case; and Mr. LEIGH also arose and said that it was his opinion at the time that no motion to amend the amendment could be made.]

Mr. B. resumed, and was free to admit that there was a difficulty in the rule; that a direct motion to amend might have been unsustainable, and therefore excusably omitted. But he returned to his question, and changed its form, from direct to indirect amendment, from a motion to amend on the floor to a motion to disagree, to confer, and to make the amendment in conference, and bring it back to the Senate, all of which might have been done in a few minutes, and was actually done at last, but too late to save the bill! Upon this point, (said Mr. B.) I take a position. I stand upon it. I intrench myself behind it. I ask again, again, and again, if want of specification was the real objection, why not obviate that objection by the easy, natural, and parliamentary mode of disagreeing, conferring, and amending? This is a plain and direct inquiry to develop facts and to elucidate truth. We all know how the three million appropriation was received in this chamber; it was received in one burst of indignation—in one tempest of wrath—in one cataract of denunciation. The whole opposition rose up, one after the other, to declaim against it, to reject it, and to adhere to the rejection, which, on the part of the Senate, was an end of the whole question. Instead of all this, if want of specification was the real objection, why did not some one of the majority, like a man friendly to the object, but dissatisfied with the form, get up like a man of business, in a quiet and placid state of mind, and move to disagree, to ask a conference, and to settle the form of the appropriation by conferees? All this could have been done in a moiety of the time in which any one of those ten or a dozen violent speeches were made against it. This was the real question for gentlemen to answer, and, until they answered it, all other answers and excuses for the loss of this essential and important appropriation must stand for nothing.

3. The danger of such a large and indefinite appropriation. This head (Mr. B. said) was much dwelt upon. It was said the President might lay out the whole three millions in ships alone, or the whole in raising troops, and what kind of troops he pleased. This is all fanciful and far-fetched. It is imagination, and not

argument. Five objects of appropriation were specifically named, to wit: 1, the military service; 2, the naval service; 3, fortifications; 4, ordnance; 5, increase of the navy; with a proviso that it was not to be expended unless necessary for the defence of the country before the next meeting of Congress. Here the objects of expenditure are specified, and nothing was wanting to come up to the most rigorous definition of a perfect specification but a division of the money, and setting apart so much to one object, and so much to another. And where is the danger in the omission of that apportionment? None! Even if the whole had been expended on the army, or the whole upon the navy, or the whole on fortifications, still there was no danger in it to the country. It might have been unwise and improvident, but not dangerous; and here he would conclude this head with insisting that the reasons assigned are not sufficient. The appropriation was not unconstitutional; it was not unprecedented; it was not dangerous. On the contrary, it was clearly sanctioned by the constitution, more than justified by numerous precedents, called for by the exigency of our affairs, and came to the Senate with the highest possible recommendation, that of the vote of the House of Representatives, the exclusive organ of the people in the imposition of taxes, and therefore the appropriate organ to originate the heavy expenditures which are so nearly akin to the imposition of taxes. The Senate rejected, violently and contumeliously rejected, the appropriation, under these circumstances, and, in doing so, they put the seal of confirmation upon all the speeches they had made against the President, and in favor of the French, and announced to the world, by a solemn vote, that they would not appropriate money to defend the country, even if necessary before the next meeting of Congress!

The second branch of this inquiry (Mr. B. said) related to the loss of the fortification bill. It was the inferior branch of the inquiry, both because the amount contained in it was comparatively small, something less than one million of dollars, and because it was a general appropriation for permanent objects, and had no view to particular defence against France. The opposition Senators had laid out all their strength in defending themselves on this incidental, subordinate, and inferior point, the loss of which, occurring as it did in the shades of a midnight session, afforded room for contrariety of statement; while the main loss, which was avowedly the work of the Senate, and the moral effect of which, on the minds of the French, was so electric, was skipped over with rhetorical flourishes upon the constitution, dictators, despotism, and the dangers of blind confidence in popular chiefs. The main loss being given up as the act of the Senate, the subordinate one was scarcely worth the trouble of investigation; but he would show that that loss also was the work of the Senate.

The bill died under lapse of time. It died because not acted upon before midnight of the last day of the session. Right or wrong, the session was over before the report of the conferees could be acted on. The House of Representatives was without a quorum, and the Senate was about in the same condition. Two attempts in the Senate to get a vote on some printing moved by his colleague, [Mr. LINN,] were both lost for want of a quorum. The session then was at an end, for want of quorums, whether the legal right to sit had ceased or not. The bill was not rejected either in the House of Representatives or in the Senate, but it died for want of action upon it, and that action was prevented by want of time. Now, whose fault was it that there was no time left for acting on the report of the conferees? That was the true question, and the answer to it would show where the fault lay. This answer is as clear as midday, though the transaction took place in the darkness of midnight. It was the Senate! The bill came to the Senate in full time to have been acted upon, if it had been treated as all bills must be treated that are intended to be passed in the last hours of the session. It is no time for speaking. All speaking is then fatal to bills, and equally fatal, whether for or against them. Yet, what was the conduct of the Senate with respect to this bill? Members commenced speaking upon it with vehemence and perseverance, and continued at it, one after another. These speeches were fatal to the bill. They were numerons, and consumed much time to deliver them. They were criminative, and provoked replies. They denounced the President without measure, and, by implication, the House of Representatives, which sustained him. They were intemperate, and destroyed the temper of others. In this way the precious time was consumed in which the bill might have been acted upon; and, for want of which time, it is lost. Every one that made a speech helped to destroy it, and nearly the whole body of the opposition spoke, and most of them at much length, and with unusual warmth and animation. So certain was he of the ruinous effect of this speaking, that he himself never opened his mouth nor uttered one word upon it. Then came the fatal motion to adhere, the effect of which was to make bad worse, and to destroy the last chance, unless the House of Representatives had humbled itself to ask a conference from the Senate. The fatal effect of this motion to adhere, Mr. B. would show from Jefferson's Manual; and read as follows: "The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement; the term of insisting may be repeated as often as they choose to keep the question open; but the first adherence by either renders it necessary for the other to recede or to adhere also; when the matter is usually suffered to fall. (10 Grey, 148.) Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. (3 Hatsell, 268, 270.) The term of insisting, we are told by Sir John Trevor, was then (1678) newly introduced into parliamentary usage by the Lords. (7 Grey, 94.) It was certainly a happy innovation, as it multiplies the opportunities of trying modifications, which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance. (10 Grey, 146.) But it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences at least before an adherence. (10 Grey, 147.")

This is the regular progression in the case of amendments, and there are five steps in it. 1. To agree. 2. To disagree. 3. To recede. 4. To insist. 5. To adhere. Of these five steps adherence is the last, and yet it was the first adopted by the Senate. The effect of its adoption was, in parliamentary usage, to put an end to the matter. It was, by the law of Parliament, a disrespect to the House. No conference was even asked by the Senate after the adherence, although, by the parliamentary law, there ought to have been two free conferences at least before the adherence was voted. All this was fully stated to the Senate that night, and before the question to adhere was put. It was fully stated by you, sir, (said Mr. B., addressing himself to Mr. KING, of Alabama, who was then in the Vice President's chair.) This vote to adhere, coupled with the violent speeches, denouncing the President, and, by implication, censuring the House of Representatives, and coupled with the total omission of the Senate to ask for a conference, seemed to indicate a fatal purpose to destroy the bill; and lost it would have been upon the spot, if the House of Representatives, forgetting the disrespect with which it had been treated, and passing over the censure impliedly cast upon it, had not humbled itself to come and ask for a conference. The House humbled itself, but it was a patriotic and noble humiliation; it was to serve their country. The conference was granted, and an amendment was agreed upon by the conferees, by which the amount was reduced, and the sum divided, and $300,000 allowed to the military, and $500,000 to the naval service. This was done at last, and after all the irritating speeches and irritating conduct of the Senate; but the precious time was gone. The hour of midnight was not only come, but members were dispersed; quorums were unattainable; and the bill died for want of action. And now (said Mr. B.) I return to my question. I resume, and maintain my position upon it. I ask how it came to pass, if want of specification was really the objection—how it came to pass that the Senate did not do at first what it did at last? Why did it not amend, by the easy, natural, obvious, and parliamentary process of disagreeing, insisting, and asking for a committee of conference?

Mr. B. would say but a word on the new calendar, which would make the day begin in the middle. It was sufficient to state such a conception to expose it to ridicule. A farmer would be sadly put out if his laborers should refuse to come until midday. The thing was rather too fanciful for grave deliberation. Suffice it to say there are no fractions of days in any calendar. There is no 3¼, 3½, and 3¾ of March, or any other month. When one day ends, another begins, and midnight is the turning point both in law and in practice. All our laws of the last day are dated the 3d of March; and, in point of fact, Congress, for every beneficial purpose, is dissolved at midnight. Many members will not act, and go away; and such was the practice of the venerable Mr. Macon, of North Carolina, who always acted precisely as President Jackson did. He put on his hat and went away at midnight; he went away when his own watch told him it was midnight; after which he believed he had no authority to act as a legislator, nor the Senate to make him act as such. This was President Jackson's course. He stayed in the Capitol until a quarter after one, to sign all the bills which Congress should pass before midnight. He stayed until a majority of Congress was gone, and quorums unattainable. He stayed in the Capitol, in a room convenient to the Senate, to act upon every thing that was sent to him, and did not have to be waked up, as Washington was, to sign after midnight; a most unfortunate reference to Washington, who, by going to bed at midnight, showed that he considered the business of the day ended; and by getting up and putting on his night gown, and signing a bill at two o'clock in the morning of the 4th, showed that he would sign at that hour what had passed before midnight; and does not that act bear date the 3d of March?

Mr. B. said that, when he first spoke on this subject, he had adverted to some collateral proceedings of the Senate, as subsidiary arguments in favor of his main proposition. He had shown other proceedings adverse to the defence of the country, and hence drew an inference in support of his proposition, that the Senate was the responsible party for the loss of the three millions, and of the fortification bill. These collateral proceedings were: 1. The rejection of the $500,000 recommended by the Military Committee. 2. The refusal to adopt the motion which he had made for information on the subject of national defence. 3. The impending motions to divide the surplus revenues among the States. He would briefly touch these points again, which seemed to have been misunderstood by some gentlemen, and show that they were entitled to the deepest attention, as showing the indisposition of the Senate to take measures for the defence of the country.

1. The $500,000. This had been agreed upon in the Military Committee of the Senate, with three other items, and direction given to him, as chairman of the committee, to move them as amendments to the fortification bill, then in the hands of the Finance Committee. The Senator from Delaware [Mr. CLAYTON] had moved the item of half a million, and the committee was unanimous in it. It was on the 23d of February that he (Mr. B.) moved these items in the Senate. The minutes of the Senate show the proceedings more fully than the journal, and from these minutes the proceedings are shown to be these: First, the chairman of the Committee on Finance, [Mr. WEBSTER,] who had the custody of the bill under a reference to his committee, moved three additional appropriations, which were adopted by the Senate. These amendments were made in *quasi* Committee of the Whole. Mr. B. rose to offer his amendments, but it was suggested that he should wait until the amendments made in *quasi* Committee of the Whole should be reported to the Senate and concurred in. He (Mr. B.) then withdrew all his amendments for that purpose, and the instant the amendments of the Finance Committee were concurred in, he offered, *seriatim*, the four amendments reported from the Military Committee. Upon these amendments the minutes show the following proceedings:

"Mr. BENTON: for Fort Mifflin, $75,000; agreed.

"Increase Pea Patch fortification, $150,000; agreed.

"For armament of fortifications, additional, $100,000; agreed.

"For $500,000; rejected."

Thus the motion for the $500,000, for the increase and armament of fortifications, was made and rejected. It was not withdrawn, but rejected; and the Senator from Delaware [Mr. CLAYTON] had correctly stated the circumstances of the rejection. It was not pressed upon the Senate; and why not pressed? For the two precise reasons mentioned by that gentleman. Because the debate on the $150,000 appropriation for the Pea Patch, (Fort Delaware,) which was carried with difficulty, and, after protracted discussion, brought out the sense of the Senate against the $500,000 item, which it was then seen would stand no chance at all. Secondly, because the chairman of the Committee on Finance informed the Senate that the Finance Committee would produce a substitute for it, which substitute never came, unless, as the Senator from Delaware [Mr. CLAYTON] suggests, the amendment from the conference committee, on the last night of the session, could be considered as that substitute. The Senator does not intimate that it can be so considered; and certainly nobody can so consider it. The $500,000 was then rejected by the Senate; and this rejection is a pregnant illustration of the conduct of the Senate in the proceedings on the three millions and the fortification bill; for here is a rejection of a sum, on the 23d of February, which was moderate in amount, specific in its application, reported by the Senate's own committee, and expressly sanctioned by the Secretary of War—an appropriation free from every objection taken to the three millions, and yet rejected the very week before the three millions.

Mr. B's second collateral argument was the refusal of the Senate to adopt his resolution for information preparatory to the defence of the country, and which was laid upon the table, on the motion of an opposition Senator. A Senator from Ohio [Mr. EWING] seems to be at a loss to find and to understand this proceeding; but it is easily found. The resolution will be found at pages 167 and 168 of the Senate Journal of the last session, and under the proceedings of February 16th, and with this history of its fate: "On motion of Mr. Poindexter ordered, that it be laid on the table." So that the Senate, fifteen days before the rejection of the three millions contingent appropriation for the defence of the country, refused to adopt a resolution, calling upon the President to cause information relative to the defence to be laid before the Senate.

The third collateral argument on which Mr. B. relied, to show the indisposition of the Senate to vote money for the national defence, was the existence of the propositions to take the public money for distribution among the States. This was matter of history, he said; and he would not further remark upon it, than to remind the Senate that so strong has become this disposition to hoard money for distribution, that not only the defence of the country, but the adequate prosecution even of the oldest and most meritorious work of internal improvement, the accelerated continuation of the Cumberland road itself, is likely to be endangered by it. The bill for continuing the road through the States of Ohio, Indiana, and Illinois, was actually arrested on its passage through the Senate last Friday, and now hangs suspended, on an objection to the amounts to be expended, and because these amounts will diminish the fund for distribution.

Having disposed of these points, and shown the Senate, as Mr. B. believed, to be the responsible party for the loss of three millions and of the fortification bill, he would proceed to notice some matters which had grown up in the course of the debate, and which went to charge the administration, and its friends in Congress, with gross neglect, and great dereliction of duty, in asking for appropriations for the defence of the country, or applying them beneficially after they were granted. The stress of the charge was, that the President, occupied with pursuing the Bank of the United States, had neglected the country; that every appropriation asked for by the administration for the national defence had been granted; that there was little to show for the appropriations actually made; and that the opponents of the administration were the true originators of the defensive measures adopted. Mr. B. believed that four Senators, at least, had made these charges: one from Ohio, [Mr. Ewing;] one from New Jersey, [Mr. Southard;] another from Kentucky, [Mr. Crittenden;] and the fourth from Delaware, [Mr. Clayton.] Not content with making these charges, the Senators had exulted in their truth; had proclaimed them unanswerable; and had called for answers with a confidence and pertinacity which seemed to announce the perfect reliance of absolute knowledge, but which he would show to be the blind reliance of absolute ignorance. He would take up the charges in their order, one after the other, and despatch each in its turn with that logic of facts which economizes phrases and dispenses with declamation. The first fact that he would have recourse to would be the first report of the first Secretary of War, at the first session of the first Congress that sat in the first year of President Jackson's administration. It was from Mr. Eaton, and would be found in the extract which he should read, viz:

"A reference to the report of the chief of the ordnance will show the particular details of operation in that branch of the service; it merits attention. It has been frequently observed that the best way to avoid war is to be prepared for it. In this point of view it is desirable that the appropriations to be made for clothing our fortifications should correspond with the probable periods of their completion. It would indeed be a mortifying result if, after the labor and cost which has been encountered for their completion, it should rest in the power of an enemy, at the onset of war, to seize or destroy them because the means had not been placed in readiness for their defence. From the report it will be seen that, at the present annual rate of appropriation, to wit, $100,000, sixteen or twenty years will have passed before a proper supply of arms for those fortifications now in progress can be obtained for their defence. If, in the slow and gradual preparation for a necessary and adequate armament, at present pursued, sixteen or twenty years should be found requisite, and war within that period took place, a consequence would be that some of our forts, built up at great expense, would be destroyed, because incapable of self-defence, or be retained and armed by the enemy, and used against ourselves." (*November*, 1829.)

The second fact that I shall show will be a memorandum, in answer to a note of my own, from the colonel of ordnance, Colonel Bomford, stating that the additional sum of $150,000 was asked for the armament of fortifications for the year 1830, which, added to the standing appropriation of $100,000, would have made $250,000 for that year, and which was not granted by Congress.

The third fact which he would show was a memorandum from the same officer, made at his (Mr. B's) request, and headed, "Memorandum of items of the estimates of the Secretary of War, which were rejected from the bills of appropriation from 1829 to 1835, inclusive," which showed a list of twelve items, one of them an additional appropriation of $100,000 for arming forts, and which would have been asked for annually if granted—the twelve items amounting to $902,000.

The fourth fact that he would show would be a memorandum from the Engineer department, showing that, from the year 1830 to 1835, inclusively, the sum of $4,911,479 94 had been asked for fortifications, six of them new ones, and that the sum of $3,957,515 94 only had been granted by Congress, making a deficiency of $943,984 on that head.

The fifth fact that he should offer was a memorandum from the Navy Department, headed "A statement of estimates submitted by the Secretary of the Navy, from the commencement of the present administration to the close of the last session of Congress, which have not been acted on, or for which no appropriations have been made," and which contains four items, one of them for deepening the bar at Pensacola harbor, for $106,690, and contained in the Secretary of the Navy's report, (Mr. Woodbury,) in November, 1833, and another from the present Secretary, (Mr. Dickerson,) for $200,000, for steam batteries, to be expended during 1835; the whole near $500,000.

The sixth fact that Mr. B. would mention was, the bill of General Smith, of Maryland, for one million of dollars for arming fortifications, a quarter of a million annually, and which was indefinitely postponed by the Senate.

The seventh fact that he would mention was, that he himself (Mr. B.) had moved the resolution at the last session, under which the Senate's Committee on Military Affairs had inquired into the expediency of increasing the military defences. He made his motion to that effect on the 29th day of January, and the committee, upon communications with the Secretary of War, (Governor Cass,) reported near a million of dollars, to wit: $75,000 for Fort Mifflin; $150,000 for Fort Delaware, $100,000 additional for armament of fortifications, and $500,000 for repair, increase, and arming forts. It was under this very resolution, submitted by himself, under which the committee acted when they made these important recommendations, and the unfortunate fate of which is so well known to the Senate, the first three items having been lost in the fortification bill, after being agreed to by both Houses; the fourth large item being rejected by the Senate under the circumstances which have been so fully stated both by himself and by the Senator from Delaware, [Mr. CLAYTON.]

Here Mr. B. would pause, and ask gentlemen if they were satisfied. So far from neglecting the defences of the country in persecuting that innocent bank, which, though cut down, has grown up like Jonah's gourd, in one night, far higher than ever it was before; instead of this neglect, four or five millions are counted up in a few minutes, of sums applied for by the administration or its friends, and not granted. The amounts would have been greater, if repeated refusals had not checked applications; but it is enough, as it is enough to vindicate the administration, enough to show gentlemen their profound error, and enough to show the truth of Mr. Eaton's remark in 1829, that, unless we accelerated the arming of forts, we might be building them to be blown up by the enemy, or to be occupied by them, and turned against ourselves.

But a specific demand is made upon the friends of the administration to tell why it was that no application for extraordinary appropriations were made for forts and armaments in 1835. To this demand, especially as far as relates to armaments, the following memorandum from the Ordnance department must be accepted as the answer: "They had been so often repeated without success, that it was thought useless to renew them."

Another attack upon the administration is upon the mismanagement or waste of the moneys voted for the public defence, and for which, it is said, no adequate returns are forthcoming. It is said that $40,000,000 have been voted since the last war, for the increase of the naval and coast defences; and it is triumphantly demanded, what is to be shown for all this money? I will answer, and tell what is to be shown for it. In the naval arm, there are twelve ships of the line, either built or building; there are ten frigates of the first class, either built or building; and there are twenty-one sloops and schooners, either built or building; then there are a number of old vessels repaired, with dock and navy yards constructed, ship timber prepared, and munitions collected. But only a few of these ships are ready for sea! Granted; and for what reason? Because the appropriations required to fit them out, and especially of the three millions of the last session, have been refused. Next, as to the coast defences. We have eighteen new forts built, many old ones repaired, and some munitions of war collected. But, gentlemen say, these forts are not defensible. They have no guns, no carriages, no shot, no shells. Granted again, not to the letter, but granted. And why are the forts not defensible? Because the recommendation of Mr. Secretary Eaton, in 1829, had not been followed; because the repeated applications for accelerated armaments had not been listened to; because the $500,000 asked for by the Military Committee had been rejected—the three millions lost—and the whole fortification bill lost, which contained items to the amount of eight or nine hundred thousand dollars. This is the reason why the ships and forts built or building are not ready for service.

Another attack upon the administration is as to the condition of the navy, its paucity, the small number of ships in commission, and their dispersed situation. This attack comes from the Senator from New Jersey, [Mr. SOUTHARD,] and certainly comes with authority from him. He has been six years Secretary of the Navy, and four years chairman of the Committee on Naval Affairs in the Senate, and certainly should know, better than any other member of the Senate, the actual condition of that arm of defence which he has had so long in his own care. If found to be in a very miserable condition, he will certainly come in for a share of that kind of merit which attaches to this condition. But it may be best for the French not to rely too implicitly upon the helpless, impotent, miserable picture which he has drawn. We have fifty ships of war, old and new, either built or building. Our naval arm is many times stronger than it was when it encountered the thousand ships of war of Great Britain, and augmented itself with captures from her noble flag. The Macedonian and Java are still in our hands to do service, if necessary, upon the French. More than that, we have French names upon our list, *La Guerriere* and *La Cyane*, which we took from those who took them from the French. It was a saying in England, that France builds ships for the British; that saying may be transplanted to our America, if war falls out between America and France. Those who can take the prize from the conqueror, with more ease could take it from the loser.

And now, after defending the administration from the attacks of the opposition, Mr. B. would be glad to know what they themselves have done for their country? What has the Senate done? It is very ready to arraign and condemn others, and surely can have no objection to a little arraignment itself. The opposition have the majority here, and all the committees strongly organized; some of them four to one in their favor, and could carry any measure for the public good which they pleased. Now, what has this majority done? What has it been about? Has it passed the appropriations for defence which have been asked by the Heads of Departments? The memorandums which I have read answer that question. Has it passed the sums recommended by its own Military Committee? The fate of the $500,000 answers that. Has it passed the sums which had passed the House of Representatives? The history of the three millions will reply to that. Has it originated any thing itself? No. Then, what has the Senate done? The barren condition of the defences will answer that. What has it been about? What are the fruits of the four years' majority which the opposition have held here? The fruits are nothing; and the works, if I should give the answer which the whole country gives, would be comprised in four words: President-making, and President-unmaking! That, and that alone, has been the work of the opposition.

Mr. B. said he had followed the lead of a former chairman of the Naval Committee of the Senate, in attempting to establish the rank of admiral in the navy. He spoke of one of South Carolina's most distinguished sons—General Hayne; and he should be glad now to follow the lead of another naval chairman in the same attempt. The honors of the rank were due to the brave old officers who had carried our naval renown to the highest pitch of glory; it was an incentive to be placed before the eyes of the younger officers, to fire their emulation, and to reward their exploits.

The resolution which I have had the honor to submit (continued Mr. B.) proposes a very intelligible, and, I flatter myself, a patriotic object. It is antagonistical to all the plans presented here for the distribution of the surplus revenues. It is not altered, in my view of it, by the amendment of the Senator from Tennessee, [Mr. GRUNDY.] The qualification of the amount to be applied is a qualification in words, not in effect. It will take all the surplus to accomplish the object. Fortifications alone will require twenty-eight millions for construction, and two or three millions for armament. Gentlemen deceive themselves about this surplus. They all speak of thirty millions, when the amount reported by the Secretary of the Treasury is only ten millions and a half, and that before the Florida war and the New York fire. These two events will abstract some millions. The surplus will be barely sufficient for the necessary appropriations this year, and cannot be counted on for many years. We should not forget our own history. When Mr. Jefferson retired from office, he taxed the ingenuity of Congress to devise means of applying the surpluses; in a few years the treasury was empty. In 1816 the revenue was thirty-six millions, and the surplus eleven millions; in 1820 the navy appropriations had to be diminished one half, the army reduced from ten thousand to six thousand men, and retrenchments made at all points, to avoid borrowing money for current expenses. So of this surplus; it will go soon, and nobody can tell where. Let us fix it, then, while in our power. Let us consecrate it to a sacred object. Some gentlemen say they will lay taxes, if necessary, to defend the country; that, sir, is precisely what I wish to avoid. I wish to apply the surpluses in the treasury for that object, and to avoid the odious resort to taxes, which will not be necessary if we act right now. This is my object; and, by moving an express resolution here, it has been my intention to carry the question to the people, and let every citizen decide for himself, whether he will defend his country, or leave it at the mercy of the enemy. Whether we shall put it in a state of defence while we can, or defer it till we cannot? Whether we will use the money in hand, or divide that money, and then raise more by taxes to defend our coast? This is my object. Peace or war makes no difference with me. England, with an exalted magnanimity, worthy of the high place which she holds among the liberal Powers, has offered her mediation; President Jackson accepts it, and the prospect of peace brightens. But all that is nothing to delay our defences. If I held the bonds of fate for peace, I should still say, prepare for war.

Mr. LEIGH spoke to a question of order that had arisen in the discussion, in relation to the three million appropriation. The question occurred to him, that they (the Senate) could not make an amendment to the amendment of the House of Representatives. A gentleman had told him it could not be opened, and he understood at the time that it could not be done. But, on looking at the rules, he now found that he had entertained a wrong impression. He did not profess to be very intimately acquainted with the rules.

[Mr. King, of Alabama, requested Mr. Leigh to yield him the floor for a few moments; on his doing so, Mr. K. said he felt himself called on by the observations of the gentleman from Virginia to make a short explanation of the course pursued by him at the last session. When the fortification bill was returned to the Senate, with the amendment appropriating $3,000,000 for the defences of the country, he was not, as might be supposed from the gentleman's observations, occupying the chair. The honorable Senator from Virginia [Mr. Tyler] was then presiding as President *pro tem.* He (Mr. K.) was not in the chamber when the discussion commenced on the motion to disagree to the amendment. He took no part in that discussion; and not until the bill came back, the House insisting on its amendment, on a motion made to adhere, did he say one word on the subject; and then merely to warn the Senate against the consequences of adopting such a proceeding, as harsh, unusual, and well calculated to defeat the bill altogether. He gave no opinion as to the power of amendment; no such question was made. He would, however, frankly state, and this was his principal object in asking the floor, that had his opinion been asked, he should, without hesitation, have said that an amendment in that stage of the business could not be made. He had so stated to several of his friends at this session. He was now, however, convinced that he was in error, and that the amendment of the House could have been amended. Yet in fairness he must state that he had no doubt that many, perhaps all those who opposed the appropriation, were equally in error with himself, as to the power of amendment.]

Mr. Leigh continued. He said the gentleman from Alabama had not understood him, if he supposed he referred to him, either at the last session or at this. He well remembered that he was under a strong impression at the time, that the amendment of the House was not susceptible of amendment in the Senate. He did not know how he got his opinions, but he supposed he might possibly have got them from the gentleman himself. He was going to say, when he rose, that he desired very much to say a few words on the general question; but he was reluctant to do so, after the remarks made by the gentleman from Missouri at the commencement of his speech. He would not say any thing further on the general question, if it would be considered discourteous in him to do so. He wished at all times to act with perfect courtesy to every gentleman.

Mr. BENTON said that there would be no discourtesy to him in the gentleman's making any additional remarks he thought proper. He would hear the gentleman with pleasure; and, if he pleased, would move that the Senate adjourn.

On motion of Mr. BENTON,

The Senate then adjourned.

Tuesday, February 9.

DAUPHIN COUNTY (PA.) MEMORIAL.

Mr. BUCHANAN presented the memorial of Ovid F. Johnson and six others, who had been appointed a committee, by a large and respectable meeting of the citizens of Dauphin county, convened in the borough of Harrisburg on the 28th day of August last, "to prepare a memorial to each House of Congress, praying the appropriation by the general Government of a sum sufficient to remove to Africa free negroes willing to remove, and manumitted slaves, equal in amount to the whole annual increase of the colored population of this country; and, also, such additional number as, in the wisdom of Congress, the finances of the nation and other considerations may justify, if, in their opinion, the constitution of the United States will justify such appropriations; and if not, then to adopt measures to effect such an alteration of it as will authorize the measure."

Mr. B. said the committee, in their memorial, had gone at length into the subject, and had treated it with much ability. A proper degree of respect for them, and those whom they represented, required that this memorial should be printed for the use of the Senate. He would therefore move for its printing; and, for the present, that the memorial be laid upon the table.

These motions were adopted.

NATIONAL DEFENCE.

The Senate then proceeded to consider the resolutions offered by Mr. Benton.

The question being on the motion of Mr. Clayton to strike out the word "surplus," before the word "revenue,"

Mr. LEIGH observed that he had not intended by any further remarks of his to protract this debate, and should not have again arisen, but for the exposition which the Senator from Missouri had given of his principal policy in offering his resolution to the Senate, and the assumption on his part, which assumption, so far as he (Mr. L.) was concerned, was erroneous. He knew that frequent occasions might hereafter occur, on which he would have an opportunity of explaining fully his opinions on the subject of our relations with France, but he was unwilling that for a single moment his opinions should not be known. The gentlemen told the Senate that his purpose in offering his resolutions was to present an antagonist proposition to those already before the Senate, for the distribution of the surplus revenue, introduced by the Senators from South Carolina and Kentucky; and, as he understood the gentleman, he intended to use this possible result of a war with France as an argument in support of his principal policy. Though he was as much disposed, Mr. L. said, as any gentleman to vote for every necessary, liberal, and reasonable appropriation of money suited to a state of war, if war is to come, and suited to a state of peace, or to exactly the state in which we were, a state of peace, with war expected to come, he desired to be distinctly understood that he was not willing to give one single dollar for any object introduced to defeat these two propositions of the gentlemen from Kentucky and South Carolina. What he might think of these two propositions, he declined then to state; but this he would say, that, in selecting objects for the distribution of this surplus revenue, now become so burdensome, he was not willing to look at any other than that for which the appropriation was to be made. Let them, said he, stand upon their own merits, and be determined by them alone; and let the proposition to appropriate the surplus revenue for national defence be determined by the necessity of national defence alone. If we are to have war with France, said Mr. L., or if there is danger of that war, it becomes us seriously to consider what is the nature of that danger, and to determine how far we ought now to provide against the possible occurrence of it. It did so happen that he found himself less sanguine, as to the happy termination of the mediation offered by Great Britain and accepted by our Government, than any gentleman with whom he had conversed, or who had entered into this debate; at the same time he was as much convinced as he ever was that there was no just or reasonable cause of a war with France.

Here are two letters, said Mr. L., of Mr. Livingston, received, from their dates, after the message of the President was sent to the House of Representatives, on the 6th February, and must have reached France in March, 1835. He did not condemn Mr. Livingston for communicating to his Government his honest opinions. But for what purpose, he asked, was the letter published? Was it for any other conceivable purpose than to justify the language used in the President's message? He would ask, if the French ministry would not look into those letters and documents, and compare them together? France was at that time, if it was not now, torn with party dissensions at home. Mr. L. mentioned the Bonapartists, and other divisions of parties that existed in France, and the embarrassing situation of the ministry. A simple law, proposing the payment of our claim, said he, is before the Chamber of Deputies. A member rises in his place and proposes, as an amendment to it, that an explanation shall be required of the President: and what could they do? If they opposed it, the ministry would be charged with a want of a due sense of patriotism and national honor. The King knows that the decision of our Government sought for the payment of it, and yet he cannot make the payment without the consent of the Deputies. Mr. Livingston expects there was a motive for delay, while he himself desired a message of the kind. He (Mr. Livingston) advised that the President of the United States should, by a strong message, aid them (the ministry) in obtaining the necessary vote of the deputies. What would be the effect upon the Chamber of Deputies of such a traitorous effort to force them into a compliance? The course pursued by France in this matter was to preserve her own standing at home, and not with a view to embarrass the relations between that Government and ours.

Mr. L. alluded to another letter of Mr. Livingston, and also to the letter of the Duc de Broglie to Mr. Pageot, treating of the temper of the French people, and of the necessity of prudence and caution on the part of the Government. The first notice of the requirement of an explanation on the part of the French Government he (Mr. L.) saw in a New York newspaper. The next was in the Government paper of this city. This paper had published it as asking an apology. He (Mr. L.) had some little distrust as to the translations given us, and pointed out the variety of significations of French words to show that translations of the French language required great skill. He, for one, was at once satisfied, if the views taken of the explanation which he saw in the Government organ (the Globe) was relied on as characterizing the proviso as an apology to be given, there were little hopes of an amicable adjustment—he knew there would be none. The Count de Rigny had said that the President would have to take the initiative. When he (Mr. L.) saw the letter, he gave up all hopes of an adjustment. The French Government, however, had thought better of the matter, and had, in fact, taken it upon itself to make the initiative step in a letter from the French prime minister to Mr. Pageot, and had given an opportunity to our Government, through our chargé d'affaires in France, or to their chargé d'affaires here, to make the necessary explanation. This letter had shown a pacific disposition on the part of France, and no one would doubt that it sought to eschew war.

He (Mr. L.) had had several conversations with several gentlemen of both parties, and although he differed in political questions with those who were friendly to this administration, yet he believed he enjoyed their personal friendship. He had heard the views of a number of them, as to the terms of an explanation—as to how far the President should go. In reply, he (Mr. L.) had said to them that he could not see how it could impair the honor or dignity of any Government to ask the precise thing wanted. We now, in a letter of the Duc de Broglie to Mr. Barton, had what was wanted—an official written communication, unaccompanied with the polemical matter with which it was associated in Mr. Livingston's letter.

The construction the President had put upon that letter was that France demanded an apology, and had dictated the terms in which it should be made. No, sir, (said Mr. L.,) it does not dictate the terms. No precise terms were prescribed. This construction had embroiled us in further difficulties. He believed the French minister designed by it (the explanation) to promote peace. Does not the President now, said he, come forward and virtually say he is willing to make the explanation? It was, therefore, a question as to a mere matter of form in which the explanation was to be made.

Mr. L. spoke of the frivolous pretexts upon which war had been waged by different nations; and that Charles XII had waged a war because there was said to be a picture of an offensive character hung up in a particular place in Germany. The President was willing to make the communication in a particular way—in a message to Congress. But he (Mr. L.) thought it better, so far as dignity was concerned, to let the Secretary of State of this Government make the explanation in a communication directly to the French minister, than that it should enter a solemn message of the President to Congress. He looked upon the whole controversy as being mere matter of form. He remembered no instance in which the truth of the expression was more clearly evinced, (which he had met with in some author, whose name he did not now recollect,) that "words were things."

Mr. L. controverted Mr. Livingston's position that the communications between the President and Congress were like the family councils of the official authorities in France. Their family councils were secret; the President's communications with Congress were public. He said it was admitted that, if the President had come out in a proclamation affecting France, we would be responsible to that Power. In his opinion, we were not less so on a message to Congress. There was no reason, founded in good sense or in good manners, to prohibit the explanation, except the manner of putting a few words in form. We were quarrelling about matters of form with France, our national ally, whose commerce was worth to us, and ours to her, more than the commerce of all the world beside, with the exception of one nation. If Solomon lived at this day, he would surely say there is something new under the sun.

The gentleman from Pennsylvania had read from French papers extracts from speeches in the Chamber of Deputies of an exciting character, and had taken a course calculated to reflect censure upon the conduct of the French King and ministry. These petty jars being kept up, were illy calculated to accomplish the object of peace. It was said that wars did not originate so much from intercourse between belligerant nations themselves as from the domestic belligerant parties in those nations at home. He did not believe we ought to persist in this measure of hostilities merely for the sake of having the particular direction of the surplus revenue. If we had no such surplus revenue, which had unfortunately accumulated on our hands to a large amount, there would be no such strife or indications of war. He alluded to publications in the Globe in regard to the acceptance of the mediation of England. The President had stated with precision the terms on which it was accepted. He (Mr. L.) believed that when that acceptance, with its reservations, is seen in France, it would be considered as an additional cause of offence. If there was any freedom in the French press, though the gentleman from Missouri [Mr. BENTON] thought there was not, we might expect to see the publication of this message of yesterday, on its arrival in France, accompanied with a paragraph, stating that it was an additional insult. He thought it increased the difficulties, and that the prospect of a war was greater than was imagined. The issue now made up between the two Governments seemed to be leading directly to a war! In this view of the matter, he was prepared to vote for appropriations for the national defence. But he was, nevertheless, not going to vote in the dark, nor was he going to make out a statement for himself of the amount necessary for each object—that was a matter for the proper department to do. Mr. L. went into a statement to show the limits of the amount that could be judiciously expended on certain objects in one season.

Mr. L. went into an argument at some length in support of the vote he gave against the three million appropriation of last session, which he said he had given under a belief entertained then and now, that it was unconstitutional, and not from any distrust in the President, and concluded by wishing to God that He (the Supreme Being) would put it into the hearts of them all to avoid these unpleasant controversies. He (Mr. L.) aimed only at a faithful discharge of his duty, and only wished to have an acknowledgment of it.

The surplus revenue burned in our pockets—it was like money in the pockets of a schoolboy, who was never satisfied till he got rid of it. The loss to the United States, in the event of a war, would extend to the benefit of our trade with France, and the loss of the carrying trade, which would go to England. It was not money alone, it was the blood of both nations, that would be expended. The people of the United States ought not to shape matters entirely with a view to peace. He could not, situated as he was, be indifferent to a war. He was less sanguine that there would be no war than some gentlemen, and more convinced than others that there was just cause for the apprehension of it, and his vote would be predicated upon the supposition of a war. Mr. L. adverted to the Berlin and Milan decrees to show that the President must have been under a mistaken impression when he supposed that all spoliations committed by the French upon American vessels were not allowed. He, nevertheless, thought the acceptance of the five millions, by our Government, a judicious act, under the circumstances, and that it was wise in the Government to negotiate this treaty. There were some doubts at the time whether the treaty would be ratified. What had been the condition of France at that time? She had been paying indemnities to the conquerors of her Government to a great amount, and was laboring under other embarrassments. The French Executive had notified to ours that it was doubtful whether the Chamber of Deputies would vote this money. The American Government knew, or ought to have known, that the French Government could not constitutionally have paid it at the time our draft was dishonored. But our Government looked upon this claim as of long standing and a just claim, and could not see the reason of its detention. It did not, however, properly estimate the probable result of the vote of the Chamber of Deputies. The Duke de Broglie and the gentleman from Pennsylvania [Mr. BUCHANAN] differed as to the fact of the claim having been presented by the King to the Chamber of Deputies. The Duke de Broglie had said it was repeatedly presented to the Chambers; nothing was done, or, as he believed, could be done.

[Mr. BUCHANAN said that he had asserted, and he did so again with the most perfect confidence, that the French ministry had never presented a bill to the Chambers to carry into effect the treaty until more than two months after the first instalment under it had become due; and there was nothing in the letter of the Duke de Broglie to Mr. Pageot which, in the slightest degree, contradicted this assertion. Such was undoubtedly the truth.]

Mr. L. continued. All he knew was, that the Duke de Broglie said it had been presented to the Chamber of Deputies at as early a date as possible, but that to urge it hastily might endanger the safety of its passage through that body. The constitutional duty of the King was to present these claims to the Chamber of Deputies, and he was charged with an omission of that duty.

Did the King of France think it detracted from the honor and dignity of the French nation to offer an apology to the American Government for the delay? No, sir. The Secretary of State of this Government was extremely importunate, and an apology was expected from France for this omission, and it was given. He referred to the letter of Mr. Serurier, which set forth the difficulty in obtaining an appropriation in the French Chambers, and the regret the failure had occasioned the King's Government. At the next succeeding session the bill was long before the Chamber of Deputies, and was defeated by a majority of eight votes. Mr. L. referred to the letter of the Duke de Broglie as an evidence of the sense of justice of that great statesman, and of his anxiety for the fulfilment of the treaty. A neglect of duty by omission, or a neglect of it by commission, was virtually the same. An apology for the omission by the French Government in regard to this claim had been here given by the minister of that Government; he was going to say, in its terms more humble than that required by the King's Government from the President.

It had been charged that the King had not brought the matter before his Government at as early a period as he ought to have done.

Mr. L. adverted to the time of meeting of the Chambers, the proroguing of them, the proposition of the King to call them together again at an early day, and of the despatch by a vessel to communicate his intentions to our Government. He then read a letter from Count de Rigny to our Government, in which was stated the impossibility of convening the Chambers before the winter. That the claim had to be treated of by the public as well as before the Chambers; and of the necessary procrastination in paving the way for its favorable reception by the Deputies. Here is another instance, said Mr. L., in which the French Government explains, yes, apologizes, to our Government.

Mr. L. adverted to the opinion entertained by France in regard to the message of the President, which contained, as she supposed, a menace, and to the succeeding message disavowing it. Said he, upon the honor of a man, I never could believe the President was serious in his intention of making reprisals. Was there ever an instance in which notice was given to the adverse party of such intention, as had been done in this case? In the administration of the elder Adams, letters of reprisal were ordered against the armed vessels of France, but exempted her merchant vessels; no spoliation was to be committed upon her commerce. When notice of reprisal was given, it put the party, against whom the reprisals were to be made, upon their guard, and enabled them to defeat the object.

Mr. Livingston had written a very able letter, of his own accord, and without the authority of this Government, stating that there was no intention of menace on the part of the President towards the Government of France. What effect that letter might have had it was difficult to determine, for the action of our Government had done away the force of it. The ministry of France were still in favor of fulfilling the treaty. Mr. Livingston's letter comes, and, as it were, dispels the gloom. He read from Mr. Livingston's letters, in which he had said they (the French ministry) would not take the responsibility of a rupture between the two nations.

Also, that he, Mr. Livingston, did not hope for an adjustment before the —— day of January.

Mr. BROWN afterwards obtained the floor, speaking in reply to what had fallen from the Senators from Virginia and Kentucky, and in defence of extensive appropriations for fortifications, &c.

Before he had concluded, he yielded the floor to

Mr. GRUNDY, who moved that the Senate adjourn.

The Senate adjourned.

Wednesday, February 10.

NATIONAL DEFENCE.

The Senate resumed the consideration of Mr. Benton's resolutions proposing to appropriate the surplus revenue to fortifications, &c.

Mr. BROWN resumed, and concluded his observations, which are given in full as follows:

Mr. BROWN observed that he had not intended to take any part in the debate which had grown out of the resolutions submitted by the honorable gentleman from Missouri, [Mr. Benton,] until a few days since, when some remarks had been made in the course of the debate, which he considered it his duty to notice. Strong and imperative, however, as he felt this duty to be, he had been willing, on yesterday, to forego the discharge of it, in the hope that the discussion had approximated its close, and that the question would then have been taken. Disappointed as they had been in that hope, and renewed as the debate was on to-day, by the gentleman from Virginia, [Mr. Leigh,] the considerations which had then induced him to abstain from asking the indulgence of the Senate no longer operated; and he would proceed briefly to fulfil what had then been his intention, which, under the hope that a vote would have been taken on yesterday, had been temporarily abandoned.

From the observations of the Senator from Virginia, [Mr. Leigh,] and the gloomy forebodings he had expressed, (which he trusted were not well grounded,) that, in the progress of the difficulties between the Government of the United States and France, we might be finally involved in a war, we are, said he, admonished, by every consideration of prudence, of interest, and of national pride, to make the most effectual preparations for any contingency that may happen. That gentleman had deprecated a war with France, more than with any of the other nations of the old world. He confessed that he entertained something like the same feelings.

Mr. B. confessed that he had been taught from his youth to cherish the most lively sympathies for the gallant people who aided us in our glorious struggle for freedom; that France was endeared to us by every remembrance of that contest; he confessed, too, that war was greatly to be deprecated between two nations bound to each other like France and the United States by such a reciprocity of powerful interests; but when France forgot what was due alike to justice and to our national honor, he, for one, was prepared to consider her people, if the crisis should demand it, as "enemies in war, in peace friends." The gentleman from Virginia deprecated war because of the baneful influence it would have on free Governments, and its tendency to arrest their progress. Had it not suggested itself to the mind of the gentleman, that the same effect would be produced in a much higher degree, if we should succumb to the dictates of a foreign Power? Would it not have the effect to destroy the moral power which our free institutions possess at this period, if we were to suffer our national honor to be tarnished, and our rights to be violated? Most assuredly it would, and he who was most anxious to benefit the world by the examples of our free institutions should be the most careful to show their influence in preserving us both from injury and indignity.

The gentleman, in referring to the President's recommendation, at a former session, for the issuing of letters of marque and reprisal against France, said that he never did believe that the President was serious in the recommendation of such a measure, and until that time no Government, in ancient or modern times, had ever given previous warning to its antagonist when it thought proper to resort to it. He would ask the gentleman if the distinction between the constitution of this Government and those to whom he referred had not occurred to him? How was it possible for the President of the United States to act in a measure of the kind without the co-operation of Congress? and how was it possible for him to have obtained that co-operation without addressing himself to them in a message? The gentleman could see no impropriety in the President's giving to France explanations as to the message sent by him in the performance of his constitutional duty to a co-ordinate branch of this Government. Now, almost every gentleman who had addressed the Senate on this question had repudiated the idea that the Chief Magistrate of this country should make explanations to a foreign Government touching the communications made by him to Congress; and he confessed he was astonished at hearing such sentiments uttered by the gentleman from Virginia. He could not believe that such concessions could be made without an utter sacrifice of every principle of honor—without a violation of that independence which we of all others should hold the most precious.

In Mr. B's opinion, the ground on this point so ably and successfully maintained by Mr. Livingston, in addressing the French minister, was the only true and tenable one. When any thing calculated to impeach the honor of a nation is used in the diplomatic communications of another, it then had a right to demand an explanation; but where the matter taken exception to is found in a communication from the Chief Magistrate of a nation to a co-ordinate branch of his own Government, expressly intended to give information of its own affairs, the Chief Magistrate cannot enter into any explanations with a foreign Government, without a surrender of every principle of honor and independence. No Chief Magistrate of this country had ever done so.

Mr. B. said he would now proceed to notice some remarks made by gentlemen at an early stage of this debate. The gentleman from Kentucky, [Mr. Crittenden,] a few days ago, remarked that we had not entered into extensive warlike preparations previous to our late contest with Great Britain; and he argued from it that, as we came out of that contest with honor, we were now able to meet a less powerful enemy, with our increased population and resources, without placing the nation in a strong defensive attitude. If ever a nation had been taught by severe experience the fallacy of that doctrine, he thought this nation had. To what cause were we to attribute the disasters that marked the commencement of that contest, but the want of adequate preparation; but to the fact that we had not made the preparations which wisdom, prudence, and a sense of honor and interest, demanded? Did not the gentleman recollect how the patriotic citizens of his own State were called on to defend our northwestern frontier from the incursions of the enemy, and did he not recollect the disasters of the river Raisin and other places on the frontiers, occasioned mainly by the want of necessary preparations? It did appear to him that, if ever a nation had been admonished by experience, the best of all instructers, that in peace they should prepare for war, it was the people of the United States. The Senator from Delaware had endeavored to justify his vote, as well as that of his friends, on the rejection of the three million appropriation, on the ground of the unconstitutionality of the amendment of the House, and challenged the friends of the measure to produce any warrant for it in the constitution; but the gentleman, unfortunately for his cause, had failed to prove the truth of his position. Unconstitutional, did the gentleman say! By what authority (said Mr. B.) do we appropriate money for the public service? Under the constitution, which provides that no money shall be drawn from the treasury but in consequence of appropriations made by law. Then, if the Senate of the United States had passed this amendment of the House, would the money not have been drawn from the treasury in virtue of an appropriation made by law? Undoubtedly it would have been drawn in pursuance of the very words of the constitution. The constitution had not pointed out whether general or specific appropriations should be made, but very properly left that matter to the wisdom of Congress, to be judged of by the peculiar circumstances of the case. While the gentleman was endavoring to extricate himself and those who voted with him from the difficulties in which they had involved themselves, it appeared to him that he was plunging himself and them still deeper than they were, into insurmountable difficulties. By a comparison of the report agreed on by the committee of conference of the last session in reference to this amendment of the House with the amendment itself, it would be found that the constitutional objections of the gentleman applied much stronger to that than to the amendment proposed by the House. Permit me (said Mr. B.) to call the attention of the Senate to the striking difference between the amendment of the House of Representatives and the report of the committee of conference, the latter of which met the concurrence of the gentleman and his friends. The amendment made the appropriation contingent in the first instance, and did not call for the expenditure of the money unless such expenditure became necessary to place the country in a posture of defence. It was limited to the next session of Congress; and permit me (said Mr. B.) to observe, that it was actually more specific in its language than the substitute proposed by the committee of conference. In defining the objects of the expenditure, it went on to say that it was for fortifications, for ordnance, and for the naval service; while the substitute proposed to appropriate the money for fortifications and for the naval service only, leaving out the word "ordnance." The one was limited, and the other was unlimited, possessing no qualification whatever, by which the Executive was to be bound. Therefore, whilst honorable gentlemen were endeavoring to shield themselves from the consequences of having rejected the amendment of the House of Representatives, under the wide panoply of the constitution, it appeared to him that they themselves had been inflicting a severer blow on that instrument than that which they had professed so much anxiety to avert.

Gentlemen (said Mr. B.) had very suddenly discovered that appropriations, to be properly made by Congress, should first be recommended by the Executive. Many had said that the three million appropriation was unconstitutional, because the Executive did not step forward and say to Congress that this sum of money was wanted for the exigencies of the country. He should like to know in what part of the constitution gentlemen found the clause denying to Congress the power to appropriate money without that recommendation. The practice of making specific appropriations had often been departed from; if there was one right clearly belonging to Congress, it was the right to appropriate money of their own free will and discretion, and to tell the Executive how he should apply it for the public service, without waiting for his application or recommendation. The Executive could control this discretion in no way but by withholding his signature to bills making such appropriations. It appeared that honorable gentlemen had fallen into this error by looking at the monarchical institutions of the old world. In the British Parliament, the King's minister produces the annual budget, and asks the appropriations it calls for; and when these are granted, the King returns thanks to his faithful Commons for their liberal supply. There was a wide difference between this practice and that of our republican Government. The Congress of the United States appropriates money for the public service, to be expended under the direction of the President; but they did not grant it to him, as the British Commons did to their King. Suppose, however, that the President at the last session of Congress had complied with the wishes of gentlemen, as now expressed, and had stated that the public service required additional appropriations, and had asked Congress to make them. Is it not probable, said Mr. B., if the President had made such a recommendation to Congress, that we should have heard rung in our ears the cry of dictation; that he wanted this money, not for the public service, but for electioneering purposes; or that the appropriation would result in war, into which the Executive was anxious to plunge the country? If those in opposition had not done so, they would have departed from their usual course in reference to the measures of this administration. Gentlemen would probably have escaped from such executive dictation, and refused to vote the money, by resorting to the dexterous logic of a celebrated knight, who, when pressed for reasons, refused to give them "on compulsion."

The gentleman from Delaware had said that the friends of Mr. Jefferson here had abandoned all the lessons inculcated by that statesman with regard to the expenditure of the public money. He thanked him for "that word," and rejoiced that he had identified the friends of the administration with that great man. But in what respect, said Mr. B., have we departed from the policy of Mr. Jefferson? It was a favorite principle of his, which had been followed up by his party ever since, that specific appropriations should be made in all cases where it was possible to do so; but it was a practice of his administration to relax that republican rule when the public service required it. In the case adverted to by the Senators from Tennessee and Pennsylvania, in the administration of Mr. Jefferson, when an appropriation of two millions was made, having in view the purchase of Louisiana, that appropriation was made in terms as general as it was possible to imagine; and the discretion granted to the Executive was far beyond that contemplated in the amendment of the House of Representatives of the last session. In the latter case, the money was appropriated in a season of great emergency, for the defences of the country, under the most reasonable apprehensions of greater difficulties with France; and the expenditure was limited to the next session of Congress, when an account was to be exhibited for every dollar expended.

Mr. B. said he would not pursue the remarks of the gentleman from Delaware further; with the controversy between an honorable member of the other House and another gentleman of this body, to whose assistance the Senator from Delaware had so gallantly come, neither him nor his political friends had any thing to do. One of the heroes renowned in Grecian story was esteemed fortunate in having the devoted and faithful Patroclus as his friend; equally so was the gentleman whose cause had been so well defended here; but he trusted that the gentleman from Delaware would not, like the friend of the Grecian hero, become the victim of his own generous fidelity.

Here Mr. Brown yielded the floor, at the instance of Mr. GRUNDY, who moved an adjournment; but before the question was taken, at the request of Mr. CRITTENDEN, of Kentucky, it was for a moment withdrawn, when he entered into an explanation of some of his views which had been remarked on by Mr. B.; after which, on motion of Mr. GRUNDY,

The Senate adjourned.

The Senate having resumed the consideration of the subject on the following day,

Mr. BROWN, in continuation, said he had to express the obligations he felt under to the Senate, for the indulgence that had been granted him, by an adjournment on the last evening. He would endeavor to requite it by disposing of the remaining topics yet to be noticed as speedily as he could with justice to himself. The charge had been repeatedly made on that floor, and echoed elsewhere, that a great effort was making to prostrate that branch of the Government, (the Senate;) that a war was waging against it, and that war was made by the President of the United States and the party who supported him. If war had been made against the Senate, it had not been made by the Chief Magistrate, or by the party who supported him; but, in his opinion, it had been made upon the Senate by itself. The course of measures pursued by that body had produced more injurious consequences, so far as itself is concerned, than could possibly result from any action of the Executive, however hostile to it. Who commenced that course of hostility said to be existing between the President and his constitutional advisers? Let the journals of that body answer. Let the ever to be remembered session of 1834 explain who were the first aggressors.

The Chief Magistrate had been arraigned, tried, and condemned, without a hearing, for having done that which he believed to be his duty, by a resolution passed by a decided majority; and this, in his opinion, and in the opinion of a vast majority of the people of the United States, was done directly in violation of the constitution, which gives to the House of Representatives only the power of impeachment. This was a manifest usurpation of power, and a war waged by the Senate against the President. If the Senate had lost moral power in the nation, if it had lost that salutary influence in the councils of the country it ought rightfully to possess, such loss had resulted from another circumstance than the one supposed by gentlemen who had adverted to it. It had resulted from the fact that it had arrayed itself against public opinion, and had not yielded to it that respect which it was entitled to under our form of Government. He admitted that this body was constituted to check those ebullitions of popular feeling which must at times arise in all Governments, but it never was constituted to stand up against settled public opinion, when it had been repeatedly spoken.

We all remember, (said Mr. B.,) in 1834, the great effort to break down the popularity of the present administration, and to achieve success for the bank and its partisans, by making unceasing appeals to the fears of a free, a high-minded, and enlightened people. I contend, (said Mr. B.,) if the Senate has lost power, it is from its own actions, and not from any other branch of the Government. It had been said, if the Senate was not popular now, a brighter day was coming, and that the virtue and intelligence of the people would yet preserve it from destruction. Yes, sir, (said Mr. B.,) the people will preserve it, but it will be by infusing into it gradually a stronger portion of popular feeling, and one more congenial to their own.

His honorable colleague (said Mr. B.) had inquired a few days ago in what manner the appropriation bill, containing the amendment of three millions by the House of Representatives at the last session, came here endorsed; and had said it came to this body endorsed by the chairman of the Committee of Ways and Means of the House of Representatives, and a prominent member of the "spoils party." Sir, (said Mr. B.,) that bill came here endorsed in a manner which ought to have entitled it to the highest respect; it was sanctioned by the popular branch of our national Legislature—that branch whose province it is to originate appropriations for the public service, through the hands of one of its most important committees; which he thought was an endorsement sufficient to secure for it a proper degree of respect in this branch of the Legislature. His colleague had also adverted to the great influence possessed by the Executive, which, brought to bear, in the shape of patronage, on the Legislatures of the different States, was producing the most dangerous effects. He was well aware that those who constituted the dominant party in this country were often taunted by those in opposition with the appellation of the "spoils party." The charge had been so often made that, although it had as often been successfully refuted, yet he could not pass over it without giving it some notice. As far as his own State was concerned, it was his duty to meet it. He would be faithless to them, as a portion of the democratic party, if he did not vindicate them, at least, from an imputation which, so far as it might be intended to apply to them, did great injustice. He did not hesitate to say that he had no doubt, from information in which he placed the most implicit confidence, derived from gentlemen of the highest respectability, and whose opportunities of acquiring a correct knowledge of the subject were the greatest, that a vast majority of the federal offices in North Carolina were filled by men in opposition to the administration.

He had been informed, Mr. B. said, and believed it to be the fact, that all the officers connected with the Judiciary of the United States, in North Carolina, were known as belonging to the opposition. As regarded those who held offices in the revenue service of the

United States, an equal number, if not a majority, are said to be of the same class as to their politics. He had obtained sufficient information as regarded the political sentiments of those who are in office, as postmasters in North Carolina, to warrant the belief that a very large majority are of the opposition party. From statements which he then had in his possession, vouched for as they were by the signatures of those who furnished them, with the liberty of inspection to any gentleman there who might desire to examine them—made, too, by those who had the best opportunities of correct personal knowledge, it appeared that, in three of the congressional districts, represented by members friendly to the administration, there was a majority of the postmasters in each opposed to the administration. In two others, friendly to the administration, they were nearly equally divided, and from one other of the same political complexion, he had received no information. With respect to the political opinions of postmasters in districts in his State, represented by members who differ in their politics from the friends of the administration, he had no authentic information, except that which is usually in North Carolina denominated the "Mountain district;" and that information, vouched for as it was by the respectable gentleman who had furnished it, represented the number of postmasters in opposition to the administration as being more than two to one in number greater than those who were in favor of it. Mr. B. said that these statements exhibited a result which he himself had scarcely expected; it was, that, in five of the congressional districts represented by friends of the administration, a decided aggregate majority of the postmasters holding office under the present proscriptive administration were in opposition to it. To which of the political divisions the term "spoils party" properly applied, he thought there could be but little difficulty in determining. It was by no means a pleasant task for him to perform, to go into an inquiry as to who were the real office-holders under the present administration in his own State; but it was a duty which he had delayed longer than he should have done, in justice to the political party whose generous support, at a crisis of great public importance, had given him renewed evidence of its confidence. He claimed for the democratic party of his State the distinguished honor of having achieved their successes in the last two years, not only in opposition to the combination of parties which had been arrayed against them there, but to a great extent in opposition to the patronage of the federal and State Governments, with which had been united a majority of the newspaper presses. The patronage of the federal Government was against them, because it had so happened that the greater number of those holding official stations under it in that State were in opposition to the present administration. The patronage of the State Government had been against them, because a majority of the officers who had been elected to State offices for the last two years were, as he had been informed on the best authority, likewise in opposition.

Notwithstanding these facts, said Mr. B., the political party friendly to the present administration had been unceasingly denounced as office-holders and office-seekers, influenced by no patriotic motives, and governed only by the most mercenary considerations. Which of the parties in his own State had sought office with most avidity, let facts speak; which had succeeded most in obtaining the "spoils" of office, was a question not difficult of solution. Mr. B. said that, although the friends of the present administration were decidedly in the ascendency at the two last sessions of the Legislature of North Carolina, yet they had, with a liberality not often imitated by the opposition elsewhere when in power, elected to office a majority who were adverse to them in politics. He believed this was an instance of disinterestedness and magnanimity which had been rarely, if at all, practised in those States where political power had been in the hands of those in opposition.

[Mr. Clayton, having asked permission to explain, stated that the opposition party in Delaware, though in power, had not turned any persons out of office for a difference of political opinions.

Mr. Porter, having also requested permission to explain, made a similar statement with respect to the State of Louisiana.]

Mr. B. continued. When he gave way for an explanation from one gentleman, he did not expect that gentlemen would consider themselves called on severally to make their disclaimers. They certainly would have other opportunities of explaining the course of parties in the States they represented. He believed the democratic party had seldom met with the mildness and forbearance mentioned by the gentlemen who had just taken their seats, in those States where they had unfortunately been in a minority. On the contrary, in some of the States they had been proscribed and swept from office, almost without a solitary exception.

Much had been said by gentlemen against the dangerous encroachments of executive power, and the alarming consequences threatened by it; but permit me to say to them that they have greatly magnified the extent of the danger. From what cause did the executive branch of our Government possess power? Was it because of the great authority inherent in it? He believed that the executive office of this Government had heretofore possessed power that it would never possess again. The chief magistracy under this Government had hitherto been filled by men, with but one exception, whose revolutionary services gave them a weight and consideration which their successors would never hereafter obtain. The eminent services of these great men had brought with them into office what, in truth, is the great source of power in popular Government—the public confidence. When the race of revolutionary patriots is run out—when we have no longer the remembrance of the thrilling incidents of that eventful period of our national history to associate with the office of our Chief Magistrate—it will be one of weakness, rather than of exorbitant power, compared with the other branches of the Government. The number of candidates for the office would create great divisions in public sentiment, and all the disappointed would probably unite and array themselves against the successful candidate, which would weaken and embarrass his administration. Gentlemen, therefore, were greatly mistaken in supposing that the executive branch of the Government was that which threatened the greatest danger to our constitution. His colleague had referred to the land bill introduced by the Senator from Kentucky. He would say, in a few words, that he had always believed this measure to be impolitic, and on that ground had voted against it. If, however, he should be instructed to support it, by the Legislature of his State, he would readily obey such instructions; but, in their absence, he should, in the exercise of his best judgment, vote against the bill.

With respect to the principal object of the resolution before the Senate, he was not for making appropriations to the extent of the surplus revenue. He was, said Mr. B., in favor of such judicious, liberal, and necessary appropriations as would be sufficient to place the defences of the nation, both naval and military, on a respectable footing. He believed that that Government was cruel as well as unjust to its people, if it failed to adopt such measures as were necessary to protect them against foreign aggression. Failing to do so, it betrayed one of the highest trusts confided to Government by its constituency. He was anxious that that body should concur in some measure which would show the foreign Governments that the American people were united to a man when a question concerning the national honor or the national safety was involved. The Senate having unfortunately failed, at the last session, to exhibit on its part that unanimity of feeling on so important a subject, it was calculated to have an injurious effect on our foreign relations. He did not mean to impeach the patriotism of the Senate; but it could not be concealed that the vote of the last session had, in some measure, produced the belief that there would not be that co-operation of the legislative with the executive branch of our Government necessary to secure for us the respect of foreign Powers. It was, said Mr. B., to aid the moral power of our Government, as well in Europe as elsewhere, that he was particularly anxious that the greatest unanimity should prevail in our councils on the present occasion. But, above all, it was to take such a ground before the American people as would redeem the Senate from every suspicion of apathy in defending the country—a failure, he would again say, he did not impute to improper motives—that he so earnestly desired to see the resolutions adopted. Those who believed that passive obedience, and an imploring tone to foreign Governments, was calculated to conciliate them and protect our national character, deeply erred.

All history showed that the nation which had endeavored to purchase peace by such a course had failed to do so. What was our history preceding the last war? One submission only led to another, and one injury unresisted only served to provoke other wrongs. But when the American people sternly and resolutely determined to take a manly stand in defence of their honor and interests, what was the consequence? Our flag is respected in every sea; our country occupies a high station among the nations of the earth; and we have acquired a national character, in consequence of our energy and decision, stronger even than that which could be maintained by the largest naval and military force. Let me, then, said Mr. B., entreat gentlemen, by all the remembrances associated with the deeds of imperishable renown achieved in the last war, to maintain on this occasion that high national character which the valor of our navy and army had so honorably won.

Mr. MANGUM made an explanation, in order to place in a correct view what had fallen from him in reference to North Carolina.

Mr. CALHOUN and **Mr. PRESTON** also spoke a few words in explanation.

Mr. EWING now rose and addressed the Chair as follows:

Mr. President: The other day, when, by common consent, the Senate seemed disposed to terminate this discussion, I acquiesced, being unwilling further to prolong it, in opposition to what seemed to be the general will; but the debate has been renewed, and I can now, without being thought obtrusive, consider a few topics which I have wished briefly to touch before I give my vote on these resolutions.

And, first, I take leave to say that all or nearly all that I found objectionable in them will be removed by the adoption of the amendment offered by the honorable Senator from Tennessee, and by the further amendment proposed by my friend from Delaware. It will then stand as a resolution pledging the Senate to appropriate out of the revenues, not the surplus revenue merely, but such sums annually as may be necessary for the general defence and permanent security of the country. Such a resolution shall have my hearty support, and I trust and hope it will receive the unanimous concurrence of the Senate.

But here let me be distinctly understood. I do not consider this resolution the same in form or substance with that presented by the mover. If it were, I could not vote for it. I do not look upon it as a measure at all antagonist to that presented by my honorable friend from Kentucky for the distribution of the proceeds of the public lands, which I look upon as a measure of immense importance to the State which I in part represent, and to the whole West also. I vote for the resolutions, therefore, with views entirely different from those suggested by the Senator from Missouri when he last addressed the Senate, and I now take occasion to say so, lest any one should think that his gloss was received here as a part of the text, or explanatory of the text, to which we give our assent. We do not say, in voting for these resolutions, that the whole revenue, or the whole surplus revenue, or any such vague and indefinite sum, is necessary for the increase of the navy or for fortifications, or that it can be applied to that purpope. We do not yet know what will be necessary for those objects, nor exactly what could be applied to them, even if appropriated by Congress; nor do we know what will be the surplus for a series of years to come; so that there would be no less than three uncertainties brought to act with and upon each other by the resolution first proposed. But the amendments relieve the proposition of its objectionable features, and in so doing they necessarily make it a different measure from that expounded by the Senator from Missouri. One thing further I am willing to say, by resolution or otherwise; and that is, that the money appropriated by Congress for our military and naval defences ought to be applied to and expended upon those objects from year to year, if it be in the power of the executive branch of our Government to expend it advantageously. I would not have them waste it, but I would have them use every effort to apply it to its designated object. I am not disposed to cast censure upon them because they fail to do so, for they show strong reasons in excuse for their failure or delay; but of this more hereafter.

It seems to be of the essence of modern policy, that every thing is to be carried, and executed, too, by means of excitement. We are to be moved on in our career, in all things, by the force of a high-pressure engine. This machine, with all its power, is now to be brought to bear upon our fortifications and navy, and, by the appropriation of millions and tens of millions, we are to see rising up at once, without hands, ships, and forts, and guns, and equipments, as suddenly as the palace of Aladdin rose under the wand of the Genii of the Lamp. I am disposed to pause and look a little into the matter, and see whether this can be effected thus suddenly. But one thing I must in all candor admit: our surplus revenue may be made to vanish in the attempt, almost as suddenly as that same palace did in obedience to the command of the magician after he had purloined the talisman.

I know we may make appropriations for fortifications and the navy to any extent we please; but I am perfectly certain that, if they be very large, they cannot be expended advantageously to the country. Skilful and experienced engineers are wanting; naval architects, superintendents, master-workmen, mechanics, and laborers, are all wanting, and cannot be procured for some years to come, to apply advantageously a much larger expenditure than that which we usually make for these objects. For the purpose of setting this matter in its true light before the Senate and the public, I propose to offer, by way of amendment, an additional resolution of inquiry to this effect:

"Also, that the President be requested to inform the Senate what sums can be advantageously expended on each of those several objects within the current year, and thereafter annually, on each of those several objects, taking into view the practicability of procuring skilful and experienced engineers, naval architects, superintendents, and master-workmen, and also mechanics and laborers; taking into view, also, our means of procuring and preparing materials fit to be used in works of a substantial and durable character; also, that he be requested to inform the Senate what are the causes which have prevented and delayed the expenditure of former appropriations for those several objects."

To this, I presume, there will be no objection. It is information very necessary to enable us to act with knowledge on the subject. When we have an answer to this, and the several calls contained in the other resolutions, we can form an opinion not only of what is necessary, but what can be used; and we may avoid, what every Senator would doubtless wish to avoid, the placing of a very large sum of money in the hands of a host of executive officers, which they could not expend for the benefit of the country, but which they might misapply. In the mean time, until we get the information which I propose to call for, let us make use of such as is already furnished, and see to what conclusion the facts and reasoning which we find in the executive communications on file will lead us.

The appropriations for fortifications have, for the last seven years, averaged about $800,000, more or less. That of 1834 was about $950,000; and that of 1835, it is well known, entirely failed. Now, let us see from the departments themselves how they succeeded in applying and expending to advantage the ordinary appropriations, such as we have found them; from which we can infer their ability to expend to advantage ten or twelve millions a year of an excess over the ordinary appropriations.

The first difficulty which I propose to suggest, in my inquiry as to these very large appropriations, is the want of competent engineers to project and prepare the plans for our works, and superintend them. This requires men of science and men of experience: have we got them? Can we procure them ready to our hand, furnished to order, whenever we may be disposed to vote money for fortifications? Let us hearken to the President on this subject. I refer to the documents accompanying his message to the two Houses of Congress of the 2d December, 1834, (document No. 2, pages 112, 113.) It is from the report of the chief engineer, General Gratiot, and refers as well to appropriations for roads, rivers, and harbors, as for fortifications. Listen to his plain, explicit, and intelligent exposition of this subject:

"Ninety-one different appropriations, amounting to more than two millions of dollars, have been referred to this department for application within one fiscal year; and to accomplish this, and to meet all the responsibility which it involves, the department is provided with only twenty-seven officers whose services can with certainty be commanded, and of these about one third have had no experience. The consequence is, that works of the utmost importance, with large sums of money, are committed to the hands of agents unknown to the department, with no certainty whatever that the one will be properly managed or the other faithfully applied and accounted for. Besides, these agents are very numerous; their compensation is drawn from the appropriations under which they are employed. Citizens acting in the responsible capacity of constructing engineers and disbursing agents must be well paid; and hence large amounts of many of the appropriations are diverted from their proper objects, and applied to the payment of salaries. But, if this were the extent of the evil, it would be comparatively unimportant. Large sums are lost for want of sufficient agents qualified to project and execute plans for the improvements ordered by Congress. A reference to the numerous reports on the failure of works, particularly to my last annual report, will abundantly show that this remark is not induced by any hypothetical case; it is, unfortunately, the suggestion of experience; so that, besides being executed badly as to durability, and as regards neatness and appearance, in a manner little calculated to do us any credit, many of our public works cost on an average at least fifty per cent. more than they would under a different arrangement. There is certainly no economy in this; enough money has been wasted within the last few years to have supported a corps of professional engineers sufficient for the proper management of all the national improvements in the country."

So much with regard to engineers. We have but twenty-seven; and of these General Gratiot tells us one third part is without experience, and, as a matter of course, cannot be intrusted with a work which requires —and that no one can doubt is the case with all our fortresses—science and experience. Both are essential to their success. No one can found, and plan, and erect, strong and durable fortresses, without both these qualities. How, then, are we to expend, in the present year, ten or twelve millions upon fortifications, when we could not, in 1833-'4, expend one tenth part of that sum for the same objects? Our engineer corps has not since been increased or rendered more efficacious. It is true, there is a bill pending before Congress to increase it; but, though we may pass a law very quickly and very easily to that effect, yet we do not so quickly make for ourselves a more numerous and effective engineer corps. It requires time, the study and experience of years, to make an engineer that can be relied on. So, do what we will, years must elapse before we can have a corps of engineers much more effective than we have at present. And, if we appropriate ten millions this year for fortifications, it must either be wasted and misapplied, or eight out of ten must remain on hand an unexpended balance.

But this is not all. Mechanics and laborers, it seems, cannot be procured in sufficient numbers to enable us to apply all the money that we now appropriate, much less such sums as we are called upon to appropriate to these objects. On this subject I have looked to the executive message at the commencement of the present session, and, considering all the circumstances, I confess I was surprised to find the state of facts to be as it really is.

By the act of June, 1834, there was appropriated to certain fortifications near New York, $150,000; that is to say: to Fort Columbus and Castle William, on Governor's Island, $50,000; and to Fort Schuyler, on Throg's neck, $100,000. It appears by the same report of the chief engineer, (Doc. No. 2, p. 100,) that good progress was made in these works in 1834, especially the preparatory part of it. He says: "The most ample preparations have been made; a permanent wharf will be in readiness by the time it is required; the necessary boats and machinery have been provided, an ample quarry of good stone prepared, and, indeed, every thing that may tend to expedite the work when commenced, will be found in waiting." Now, we all know that there was no appropriation to any of these objects in 1835, so that nothing remained to be done that year but to apply the unexpended balance of 1834 to those and other like works, all in a state of forwardness. And was this done? Could it be done? Let the chief engineer answer. I read from the documents accompanying the President's message of the 8th December, 1835. (Doc. No. 1, p. 101.)

"*Fort Schuyler, Throg's neck, East river, New York.* It was hoped, from the ample preparations made last year, and the funds available for their application, that the construction of this fort would have been prosecuted the present year with much vigor. But though materials and facilities of every description have been in waiting, it has been impossible to procure a sufficient force to carry on the work with the progress that was desired. No exertion has been spared to facilitate the operation, either by letting parts on contract or by hired labor, and unavailing efforts have been made to collect the necessary force in Boston, Newport, Connecticut, and the western part of New York." So that the balance of the appropriation of about $950,000, made for fortifications in 1834, could not be expended in 1835, for want of mechanics and laborers. I would ask gentlemen here what they would have done with the regular appropriations of last year for those objects, if the bill had passed? Could they have applied it; or would it rather have added another large item to the account of unexpended balances? And, more particularly, what would have been done with the item of three millions, if it had been accepted by the Senate, and the bill had become a law? I know of no satisfactory answer to these inquiries, therefore I expect none. Of one thing, however, I am perfectly satisfied now, and it was a matter of very difficult solution to me heretofore. This state of things in the Departments accounts fully for the unwillingness of the friends of the administration to appropriate the sums to these objects which we of the opposition have heretofore thought necessary. There was danger of causing animadversions upon the executive departments, for failing to apply to the defence of the country funds which the two Houses had appropriated to that object.

But let us, in passing, take a single glance at the navy appropriations, and see whether they have been as large as could be advantageously applied to their particular specified objects. We have it in a report of the Secretary of the Navy of February 3, 1836, (Doc. No. 96.) By this it appears that the whole amount applicable to the naval service for the year 1835 was - - - - - - $7,314,277

The amount expended was - - 3,600,243

Leaving a balance on Dec. 31, 1835, of $3,714,034

Which the Executive did not cause to be expended in the year 1835, for the reason, doubtless that it could not be expended with advantage to the service. What, then, would be done with the prodigious appropriations which it is now proposed to make for these objects? Why, surely, remain on hand year after year as unexpended balances.

In the view that I take of this subject I go distinctly upon the hypothesis that there is no danger whatever of a war with France. Indeed, the supposition that there ever was the slightest reason to apprehend it, unless, indeed, it were brought on by some secret order, on one side or the other, of which the country could know nothing until too deeply involved to recede; that there ever has been any probability of war, in the usual legitimate course of things, has always seemed to me an idle supposition. The only thing that ever looked like it was the proposition in the President's message to order letters of marque and reprisal. This, however, met with no response in either branch of Congress; it therefore fell to the ground. How, then, stood the question? France was offended with the message of the President; but she asks no explanation, except as a condition to the payment of the money. France says the American President has insulted her King in his message to the American Congress; and, although we owe you a sum of money, we will not pay it until the offensive language is explained. Ridiculous enough, in all conscience; much more of the ridiculous than of the arrogant. There is no threat on their part to attack us; this fleet of observation is like the storm ship of the Tappaan Zee—it appears only in a hurricane; indeed, the ground on which they have rested the matter forbids them at once from ever assuming a belligerant attitude for this, until we make the first advances. Then, as to ourselves: it is too late for us to make war for the original injury, the taking and condemning our ships and cargoes in violation of the law of nations. This thing might once have been done, had we been able to make them feel our resentment when the injury was recent. But that time has gone by; and he who inflicted the wrong, that mighty man who for the first fifteen years of the present century was himself France, is long since beyond the reach of our resentment, be we now ever so mighty.

> "After life's fitful fever he sleeps well."

And we cannot declare war for the original injury, because our own spirit has slumbered too long to be provoked at this day by the voice of honor speaking from the tombs of by-gone years; and, still more, we have treated on this subject. The present King of France has confessed the wrong, agreed with us as to the extent of the injury, and promised reparation. It has, therefore, become a liquidated debt; by mutual consent it is so, and the original trespass is merged in the subsequent accord.

But Louis Philippe now refuses payment because there were doubts entertained here by some of our public functionaries whether he really intended to pay or not. Now, this refusal does not, I confess, appear to me the wisest mode that could possibly be adopted for removing those doubts; and even if expressions were made use of by our President, which gave just offence to the honest pride of France, it is not, I incline to think, the most efficacious mode of vindicating national honor to refuse to pay a national debt. But still there is nothing to occasion war, unless we wish it for its own sake. Now, as to the apology. Not being one of the President's confidential advisers, or at least not being called upon by him for counsel in this matter, in the only way in which I am one of his advisers, I have not heretofore thought it necessary to say any thing on the subject, for I have never supposed that the opinions of gentlemen on this side of the House would have much weight in his councils, even if they were offered. But as the Senator from Tennessee has come out openly and candidly, and told us, with his usual precision, "what he is for," I have no objection to give him my opinion also.

Then I say that I most heartily disapproved of the message which involved the country in this unprofitable contest. I thought, and still think, that the President was not warranted, by the state of the facts, to intimate suspicions against the honor of the French King; nor did I think that the negotiation would be forwarded by a threat of resorting to reprisals. I thought it all ill-timed and ill-judged; but this is not yet to the point—the question of apology.

The authorities of France seemed to have mistaken the nature of their own Government as well as ours. It never struck me that it was consistent with the true dignity of that nation that the Executive head should, in his diplomacy with a foreign Power, speak of the popular branch of their Government, and make the difficulty of passing a measure through the Chambers a diplomatic reason for delay in the execution of a treaty. These are facts which we might very well understand—facts which our Government ought to take into consideration and appreciate, but I do not think they ought ever to have been urged by France, in any form, in her diplomatic correspondence. To this, however, we, as a matter of course, have no right to except; it merely shows an over-anxiety on the part of their King to stand well with us, and to excuse his own inability to perform to the letter his engagements. But this very mistake of France, as to what was due to themselves, has led them into another and still greater error as to what is due from us. The French Chambers refuse to pay the money due to us by treaty, unless the demand is accompanied with an explanation or apology of the message of the President of the United States to the two Houses of Congress. Now, to this apology I, for one, can never consent, and these are my reasons:

The President, when he addresses the two Houses of Congress, is but one of the three great departments of the Government; and though his address be public, and though it be published to the world, and though it ought, therefore, to be circumspect and cautious in its mention of foreign Powers, yet he is but one of the three great departments of the federal Government, communicating to, and communing with, the other co-ordinate branches. Thus, though the Executive may express unkind feeling toward foreign Powers, and such expressions may tend to exasperate them, yet such Powers cannot call upon us to explain or apologize as a nation; for it is not the nation that has spoken in the executive message. But France seems to think, because the President has attacked the honor of their King, that the President must set it right. That he may do, and it is proper he should, (though not upon compulsion,) in the very way in which he committed the wrong—by his message to the two Houses of Congress; and that, indeed, it seems to me, he has substantially done. But he cannot, in my judgment, without degradation, address a direct diplomatic apology to the French King; for, as respects our intercourse with foreign Powers, and our communications with them, the President is the nation; he represents the whole republic, and it would present the case of the whole nation, through their appropriate organ, apologizing to a foreign Power for what one branch of their Government had said of that Power in communicating with its co-ordinate branches. It would be admitting a foreign Power to come into our castle, and witness the workings of the machinery of our Government, not as a whole, but in its several parts. It might thus put it in the power and make it the interest of foreign Governments to look to the parts rather than the whole, in their communication and intercourse with the nation, and endeavor to make those parts so act upon each other as to produce a result favorable to the wishes of the foreign Power. Every thing that looks to this, however remotely, I condemn, and I am proud to see that there is a true American spirit abroad upon this subject.

I, for one, could not, without the grossest inconsistency, entertain any other opinion. One of the first, I believe the very first, subjects on which I raised my voice in this hall was to condemn what I then thought, and what I still think, a compromitting of the national honor similar to that which is now demanded, and which is so properly refused. You cannot have forgotten, sir, for you were present in this hall, and took part in the debate on that memorable occasion—you cannot have forgotten the subject to which I refer—the letter of the 20th July, 1829, from the then Secretary of State to our minister near the court of St. James. In that letter, it seemed to me, and to those who acted with me, that there was an injunction on the American minister to say to the British Government that our country was divided into parties; that one party had triumphed, and another had fallen; and that a change of policy and a change of feeling toward England had arisen out of the success of the prevailing party; and that our minister should urge this state of things as a reason why England should grant us a "boon," as it is called, in a commercial treaty. And this was, as we thought, at once introducing that foreign Power into our domestic household, and inviting them to look with interest upon our dissensions, if not take part in them. The book is open before me at the clause of those instructions from which that opinion was drawn. Perhaps I ought not to detain the Senate while I read it. [Several voices: "read it, read it."] I will do so; it is as follows:

"The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak (so far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon this point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are now revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States would be unjust in itself, and could not fail to excite the deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would, doubtless, be greatly aggravated by the consciousness that Great Britain has, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825. You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations which reach beyond the immediate question under discussion."

Does it not bear me out fully in what I said of its analogy to the question of apology before us? It differs only in this: that in the case which I have read there was no real or supposed wrong to be redressed, no wounded feelings to be healed, nothing but a wish to obtain a treaty, which was worse than worthless when thus obtained. That blot upon our escutcheon is there, and can never be expunged; but as it must remain, let it remain a solitary instance of our national humiliation. I wish no President of my country, whatever be his party, to repeat or imitate it. However divided we may be at home, when we present ourselves abroad and to foreign nations, whether in diplomacy or in the field, let us be seen as a nation, one and indivisible. I am, therefore, opposed to any thing like apology addressed to France by the American President. Let the five millions sink, or five times its sum, if it can only be saved by a stain upon our national honor. But I am not for war. There is nothing in this controversy, as I have already said, out of which war can arise, consistently with the laws and usage of civilized nations. Therefore, whatever appropriations we make for the objects named in these resolutions should be made without reference to this controversy, neither more nor less than if it had never arisen; and I for one am not disposed to direct all the energies of the country to preparations for military or naval defences, when there is no danger of attack, and thus to gratify a mere freak of fancy, or something less innocuous; draw all the money of the country from the interior, and expend it upon the seaboard. But if we were in actual danger of a rupture with a foreign Power, and wished to prepare for the contest, or if we wish to strengthen our hands as much as possible for any future emergency, it is not ships or forts alone that would stand us in stead. Easy and expeditious means of transferring our military strength from the interior to the seacoast, and with them munitions of war, so as to bring such force as may be necessary speedily to bear upon any one point, would be worth to us more than all the forts that all our funds would erect on the coast. Yes, sir, the Chesapeake and Ohio canal, the Baltimore and Ohio railroad, and other works of a similar character, are worth, as military defences, three times told as much as their cost in fortifications. Both, to a reasonable extent, are necessary. But if either should be dispensed with, as a defence merely, it should be the fort, and not the canal or railroad. And the city of New Orleans now (though not when menaced in 1815) is defended by a fleet of steamboats which can bear to its defence, at any time that it is menaced, a hundred thousand fighting men in time to repel any attack, though as sudden as the nature of the lakes and seas will permit to be made upon it.

There is but one subject more that I wish to touch, and of that I have but a few words to say. The Senator from Missouri has called upon us to state how we make up the thirty millions of surplus money which gentlemen on this side the House have said is in, or ought to be in, the treasury. I will tell him how.

The Secretary of the Treasury, in his report to Congress at this session, (Doc. 2, page 2,) states the amount in the treasury on the 1st of January, by computation, at - - - - -	$18,047,598
In a paper laid on our table a short time since, he admits that the receipts for the last quarter have exceeded the estimates - - - - - -	6,200,000
And the bank stock, which can be commanded in cash at any time, is worth -	8,500,000
Making, in the aggregate, - - -	$32,797,598

This is the amount on hand, and the sum which the resolution proposed at once to appropriate to fortifications and the navy. If there were real danger of war, I would do it. I would expend this, or even a much larger sum; and I would build forts, though they might not outlast the summer; but in the true and actual state of our country, it is not necessary to lavish or waste our resources, or impoverish the interior and drain it of all its wealth, for the purpose of sinking the money in ill-devised and ill-executed fortifications, or permit that money to remain in the city banks as unexpended balances for years to come. These are my views, and I shall be guided by them in my votes on these resolutions, and such bills as may be hereafter presented to us in pursuance of their principles.

Mr. WEBSTER said: I attach some importance to the amendment moved by the member from Delaware. That amendment being adopted, the resolution will not speak of contingent surpluses, but will affirm the direct and positive proposition that it is the duty of Congress to make adequate provision for the defence of the country. That is my opinion, and I wish to express it fully and decidedly. We have no higher duty than to defend the country; there is no charge on the revenue that can demand preference over this object.

That some important points of the seacoast are absolutely without all defence, is certainly true. Publicity has already been given to the state of things existing at one interesting point; a point highly important, not only in regard to commerce and private property, but in regard also to public interests of the highest moment. Year after year, I have called the attention of the Senate and of the Departments to this very subject. It has been shown and repeated, and repeated again, that, at this moment, this interesting point, to which I have alluded, rich as we are, and prosperous as our condition is, is more completely defenceless, so far as depends on this Government, than it has been at any time since the first half century of the country. Year after year, I have presented votes and memorials, beseeching Congress to make provision for these undefended points. In the same spirit, at the last session, I proposed to the committee and to the Senate to increase, as they did increase, the amounts proposed by the House. In the same spirit, I now desire to vote for adequate appropriations.

On the one hand, I do not say that all the surplus revenue ought to be thus expended; and, on the other hand, I do not think that proper appropriations ought to be thrown merely upon the surplus revenue. What is surplus? What are the amounts which are to be deducted before we are to call the residue surplus? Different men might differ about these amounts. They might not agree as to what is surplus.

Our true course is, as I think, to appropriate directly; to appropriate liberally; to appropriate intelligently; to appropriate as fast as the moneys appropriated can be usefully expended.

All such appropriations I shall zealously and anxiously support; and the sooner we get the bills, and pass them into laws, the better. If these and other necessary appropriations leave us a balance, as I presume they will, I shall vote, as I have cheerfully voted heretofore, for the land bill of the member from Kentucky. But let us, in the first place, perform the high duty of defending the country.

Mr. PRESTON, after some remarks by way of introduction, moved to amend the first resolution by striking out all after the word "*Resolved*," and inserting as follows:

"That such appropriations as may be necessary for the purpose ought to be made, to carry on the system of general defence and permanent protection of the country."

Mr. WRIGHT expressed a desire to be heard on the subject, but was not prepared to speak to-day.

Mr. PRESTON moved to postpone the further consideration of the subject until Monday: Ayes 19, noes 20.

The subject was then postponed until to-morrow.

Mr. CLAY then said the Committee on Foreign Relations were desirous to ascertain the genuineness of the letter of the Duc de Broglie to M. Pageot; and he had addressed a letter to the Secretary of State, which, with the reply, he desired to lay on the table, and moved the printing; which was ordered.

Several bills from the House were now taken up, considered, ordered to a third reading, and finally passed.

The Senate then adjourned.

THURSDAY, FEBRUARY 11.

MASSACHUSETTS CLAIMS.

Mr. DAVIS rose to ask leave to introduce a joint resolution, pursuant to the notice given by him yesterday. He said it might be proper for him to explain the object of the resolution, as otherwise it might not be understood by the Senate. In 1830, Congress passed a law directing the Secretary of War to examine and allow the claim of Massachusetts for services, &c., during the late war. In obedience to this law, the claim had been partially examined, and the amount in part paid. He would, however, observe that, in making that examination, many of the vouchers were found informal and defective, and the Department, being tied to very strict rules of evidence, which did not admit of any discretion, or of the admission of other evidence varying from that prescribed, to supply its place, was constrained, against the manifest principles of equity and justice, to suspend such items, though probably fully convinced that many of them were as much entitled to allowance as any which have been paid.

Things being thus situated, the House of Representatives, by a resolution passed in February, 1832, directed the Secretary to proceed and examine such portions of the claim as remained unpaid, and to report to that body such sums, if any, as ought to be allowed, according to the principles of that law. The Secretary has been engaged in this examination, for the purpose of making his report, but meets with the embarrassments he had described; and it was difficult for the State to supply the defects, after a lapse of more than twenty years, as many of the witnesses were dead, and others in parts unknown. It was not only impossible, in many instances, to supply the defects, but it would be attended with great delay and expense, while other evidence, equally satisfactory, can be easily reached.

It is, he would observe, to enable the Secretary to receive such evidence in preparing his report, that he had moved the resolution. The object of it met the approbation of the Secretary, and, as there could be no reasonable objection to it, he hoped it would meet with the speedy action of the Senate. That it might, however, be fully understood, he would move to refer it to the consideration of the Committee on Military Affairs, with the hope that it would command their early attention.

The resolution, which is as follows, then had two readings, and was referred agreeably to the motion:

Resolved by the Senate and House of Representatives, &c., That the Secretary of War, in preparing his report, pursuant to a resolve of the House of Representatives, agreed to on the twenty-fourth of February, eighteen hundred and thirty-two, be, and he hereby is, authorized, without regard to existing rules and requirements, to receive such evidence as is on file, and any further proofs which may be offered, tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements, and expenditures, during the late war with Great Britain; and, in all cases where such evidence shall, in his judgment, prove the truth of the items of claim, or any part thereof, to act on the same in like manner as if the proof consisted of such vouchers and evidence as is required by existing rules and regulations touching the allowance of such claims.

PROTECTION OF THE FRONTIERS, &c.

The resolutions submitted some days since by Mr. Tipton, the first directing the Committee on Military Affairs to inquire how far the army of the United States, as at present constituted, was sufficient for the protection of the frontiers and to garrison the forts of the United States; and the second directing an inquiry, whether the pay and emoluments of the officers of the army was a sufficient remuneration for the duties performed by them, were taken up for consideration.

Mr. LINN said that the first resolution was the same, almost word for word, with one on the same subject offered by him some days since, and adopted by the Senate. It had been sent to the War Department, from which no answer had yet been received.

The CHAIR read the resolution which was adopted on the motion of Mr. Linn, and remarked that there was a slight difference between that and the one just offered. The inquiry in the first was directed to the War Department, while that of the second was directed to the Committee on Military Affairs.

Mr. PRESTON observed that the two resolutions were in substance the same, the mode of inquiry only being different. That introduced by the Senator from Missouri [Mr. Linn] was directed to the Secretary of War, who, in pursuance of it, would give the necessary information to the Senate; while, under the present resolution, the committee would necessarily have to obtain the same information from the War Department. It seemed to him, therefore, that the second resolution was unnecessary.

Mr. TIPTON then withdrew his first resolution, and the one calling for information relative to the pay of the officers of the army was adopted.

DISTRICT OF COLUMBIA.

On motion of Mr. TYLER, the special order was postponed until Monday, and the Senate took up the following bill for the relief of the several corporations of the District of Columbia:

A BILL for the relief of the several corporate cities of the District of Columbia.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into and make such contract or arrangements as to him may appear proper, with the holders of the evidences of debt contracted and entered into between the cities of Washington, Alexandria, and Georgetown, and certain individuals in Holland, negotiated by Richard Rush, Esq., on behalf of said corporate bodies, for the purpose of fully assuming upon the United States the entire obligation of paying said debts, with the accruing interest thereon, according to the terms of said contract; and that the Secretary of the Treasury be directed and authorized to pay, out of any moneys in the treasury not otherwise appropriated, such sum or sums as have been paid, or from time to time may become and fall due in the shape of interest, exchanges, costs, or expenses, incurred by the terms of said contract of loan, or in and about the negotiation therefor.

Mr. TYLER said that the pecuniary affairs of the District were seriously embarrassed, and that Congress was looked to for immediate and efficient relief. The sum due by the corporate bodies of the three cities was so large in amount that it could not be paid without the sacrifice of their greatest and best interests. It is impossible that these difficulties should be surmounted, or that they should enjoy any thing like prosperity in future, without the speedy, prompt, and efficient action of Congress. A process of levy and execution has already been issued, which places the people of this District in a state of hopeless despondency; and without the active, liberal, and immediate interposition of Government, the picture which will be presented by these corporations will be lamentable, and one which it is not in my power to overcharge. Their indebtedness amounts to one and a half million, and if we were not immediately connected with the loan which was negotiated, we at least involved these cities in the consequences which have grown out of it, and ought to go to the extent of this sum in their favor. Government had always made this work an object of peculiar attention, and one from the completion of which they expected to reap a golden harvest. Mr. Madison recommended it in his message, dwelling upon the benefit to be derived from its prosecution, and believing it would prove a benefit and a blessing. His successor, if he did not recommend it *in totidem verbis*, was present when the first earth was removed, and Congress, stimulated by him, subscribed to the undertaking.

According to the old charter of the Chesapeake and Ohio Canal, it was to be only thirty feet wide, and to contain three feet of water. It might easily have been executed according to the original plan, therefore, by Virginia, Maryland, and the people of this District. But

Congress interposed, fatally interposed, to have it changed into a great national work, and to induce the original holders of stock to contemplate its prosecution to the Alleganies, and even the union of the waters of the Potomac with those of the Ohio. They encouraged the scheme in every way, enlarged the dimensions of the work, and extended its route, and thus offered the greatest inducement to the people to devote their whole energies and resources to an object, the completion of which was to pour treasure into their laps.

The contraction of the debt was in fact countenanced by Government. A letter was written by the then Secretary of the Treasury, (Mr. Rush,) directed to the Messrs. Baring, urging upon them to negotiate the loan, pledging, in so many words, to them the faith and honor of his Government for its future payment.

All, then, goes on smoothly; the citizens are filled with hope and confidence in consequence of the stimuli you have offered; and if, by your own action, you have involved your citizens, and then changed your course, are you not bound by the strongest and most honorable obligation, by every consideration of probity and fair dealing, to assist and relieve them from their embarrassments?

I plant myself upon this principle. I have said you are the actual endorsers; and so you are. If the property of these people had been destroyed by an earthquake or a conflagration, should we not, considering the letter of recommendation which has been given, be bound in honor to pay it? This, at least, is equity, and should induce the interposition of the law. The ground upon which I plant this report is tenable in a court of law, and much more ought it to be so here. Government has a lien upon these effects, and the question is, whether we shall not execute it. Will you cause levy and sale to be made? The process is already out, execution is awaiting, and it is therefore that I ask for a speedy action. Various expedients were mentioned in the committee room for relieving them. One was, (but it was readily abandoned,) to take a transfer of the stock, but it was thought we had too much to do with the canal already. The only way is to act liberally; take the debt; it will produce no pressure on our treasury; it is to be paid in instalments, only $300,000 annually. Take, then, the debt at once; the people of this District are now borne to the ground; bid them stand erect.

Mr. **CLAY** said that he certainly felt inclined to do something for these petitioners, but he really saw no reason why they should retain the stock, and we assume the debt. He might vote for the bill in its present shape, but, unless some provision for a transfer of the stock was introduced with it, he was sure, from the temper and disposition manifested by the Senate, that it would never become a law. It was not dealing out equal and impartial justice. There were some constitutional objections also. We cannot constitutionally subscribe to a work like this, and yet we can assume the debt of others arising out of such subscription. So gentlemen argued. The only proper course was to take the stock.

Mr. **TYLER** replied that he had no desire to go any further into this canal; it was his opinion, if you got hold of any more stock, you would catch a Tartar. As to any constitutional scruples, he would merely observe that, if Government had induced these people to contract a debt, he could see no reason why Government should not pay it. If a man is put in jail against the constitution, can you not release him? Must he remain there all his life? He should prefer the bill in its present shape.

Mr. **SOUTHARD** moved to amend the bill by adding a new section providing that the Secretary of the Treasury is authorized and directed, before he shall carry into effect the provisions of this law, to receive from the corporate authorities a transfer of the stock standing in the name of the different corporations, &c.

Mr. **BENTON** said that he voted against the law, and that he had always anticipated a kind of moral duresse by which they should be compelled to pay this debt. He had voted to pay the interest, and made up his mind when he did so to pay the principal also. He was not prepared, however, to hear the parties ask, and the committee propose, that they should keep the stock; that was rather too much. The partnership had been exceedingly unfortunate, so much so, that he was unwilling that the active member of it should be intrusted with another dollar. He should wish the bill to be recommitted, with a full expression of sentiment on the part of the Senate, that, in its present shape, it could not pass.

Mr. **SHEPLEY** said that, if they assumed this stock, they should assume also the responsibility of appointing officers, collecting tolls, making repairs, and transacting the usual and common business of a corporation. He did not wish Government to appear in any such capacity. In another view the bill was somewhat extraordinary in its character, for it went the length, not that Government was to pay the debt only, but the interest on it in all time to come. There was neither reason, sense, nor propriety, in this.

Mr. **NILES** was of opinion that Government had no agency whatever in bringing about the embarrassment in which the affairs of these corporations were involved. It was the natural result of a reckless improvidence on their part.

Mr. **PORTER** stated that he was unwilling to take this stock. We should again become interested; again excite hope and confidence in those who might become our partners, and again be petitioned for relief; for corporate bodies were never slow in pressing their claims upon Congress. Still a solemn duty called upon us to reject the bill, unless a clause was introduced providing for a transfer of the stock to the United States. Whether of value or not, we were entitled to it. Let us take it, and direct the Secretary of the Treasury to sell it within twelve months for what it will bring.

Mr. **SOUTHARD** said that we were not, as the gentleman from Maine [Mr. SHEPLEY] supposed, about to assume, for the first time, the duties of a corporate body. This Government, so far back as 1828, had authorized the purchase of this stock to the amount of one million of money. Whether right or wrong in so doing, was not for him to say: there was the law on the statute book. The suggestions of the gentleman, therefore, are laid aside by this single fact. But Government had done much more. They had passed an act giving the District power to make the subscription, and they had authorized the borrowing of the money in Europe. The money never would have been loaned, but for the responsibility assumed by us. If not a legal, we tendered a high and honorable security, and so any enlightened jury would decide.

Gentlemen were desirous that Government should part with the stock. If you do add a provision authorizing the Secretary to sell at a given time, you will find that there will be little difference between such an operation and the giving of the money to the corporation. In either case the sacrifice will be complete. If you assign no period for the disposal of the stock, you intrust it with an executive officer. And this I will do, however reluctant I may be, rather than that the bill should be lost.

It is said the District is bankrupt. It is so. The Executive has appointed an agent to sell property; he has been directed to proceed; and your very Capitol may pass into the hands of a foreign creditor. Your whole treasury, in such case, would not be large enough to redeem your honor. This is not an emergency in which we can stand still. Something must be done. He was prepared to make any arrangement satisfactory to the Senate; to vote for the sale of the stock, when the proper time for taking such vote should arrive, or to place it in trust with the Secretary of the Treasury. He hoped the amendment to the amendment would not prevail.

Mr. **GOLDSBOROUGH** said he was inclined to vote for the amendment of the gentleman from New Jersey. No greater mischief could be caused than by announcing that the United States would sell the stock. There are efforts going forward to finish the work, and the notification that the stock would be sold at a given time would have the effect of totally discrediting it.

Mr. **PORTER** said he would not press his suggestion for the sale of the stock, although he considered that it would be the wisest course on the part of the Government to get rid of the stock, be it valuable or worthless. He had prepared a substitute for the amendment of his friend from New Jersey, authorizing the Secretary to sell the stock within the space of five years. Discretion must be vested somewhere; and he presumed the Secretary of the Treasury would exercise it wisely, and that the result would not be to injure the value of the stock. He had heard with great surprise the argument of his friend from New Jersey, that the Government was liable for all the debts of the corporation.

[Mr. Southard explained that the law had given all the power into the hands of the Government to collect the money and take all the measures; and that the money would not have been lent had not the creditors looked on the Government as becoming responsible.]

Mr. Porter resumed, and said that he hoped the amendment would be ingrafted on the bill, although he could not say that he should vote against the bill if it was not adopted.

Mr. **LEIGH** did not see that there was any essential difference between the amendment of the Senator from Connecticut and that of the Senator from Louisiana. If, by purchasing stock in the canal company, we had caught a Tartar, it was one which we can get rid of whenever we please. He said that Congress had taken an unwarrantable step in giving a lien on the property of individuals. This had been done; and the only question now is, how the Government is to secure the payment of the debt; for he contended that we had guarantied the payment of the debt to the Dutch creditors, and we had no right to avail ourselves of the plea that a former Congress had done an unconstitutional act. He entertained no idea that the people of the West would ever use this canal to transport their produce, when they have the great rivers of the West, any more than that they would forego the blessed light of the sun for the sake of extracting sunbeams from cucumbers.

Mr. **CALHOUN** did not understand the only question on this bill to be whether the Government should pay the debt now due; but it was to pay to the corporations all they had paid; to refund every expenditure. The only justification rests on the ground of an improvident contract. On what principle was the Government to pay back to the corporations what they had paid? He had heard this debate with infinite pain. It appeared to him as if he was living in the last stage of a corrupt age. He wished to know if his constituents were to be taxed to pay this money. There was no constitutional power to give the money. As far as he could, he would afford relief, but it must be only as far as the necessity of the case requires, and that under all possible indemnities. He was willing to go as far as the million and a half, and would take a mortgage on the property, with the right to receive dividends, and to make sale. He wished to recommit the bill, with instructions to report it in that form.

Mr. **LEIGH** said he was willing to go no farther than to pay the principal and the interest in arrear.

Mr. **TYLER** reminded the Senate that they had paid the interest for the city of Washington ($75,000) last year, and the object now is to put all the corporations on the same footing. If the act of the Government brought the corporations into this difficulty, why not relieve them fully from their distress, instead of going half way? Alexandria subscribed on the express condition that the United States should subscribe a million of stock. He declared that he would stand by the constitution as long as he lived, but he believed the Government was bound to relieve these cities, and he believed this could be done without violating the constitution. We had applied stimulants, and induced the corporations to do what they had done; this is their only Legislature, and there is a moral obligation on the Government to redeem its plighted faith, and relieve the cities.

Mr. **CALHOUN** insisted that all which was necessary to be done to place Georgetown and Alexandria on a footing of equality with Washington was to give to these two cities as much interest as had been given to Washington, and not to pay all the debt and the interest of the Washington part of the loan twice over.

Mr. **WRIGHT** said the bill authorized the Secretary of the Treasury to make the best terms he can with the holders. We are not in a situation to borrow money at six per cent., and he wished that, if the bill were recommitted, it should be amended so as to provide that the holders of the stock shall immediately surrender the stock. He was a member of the House when this improvident bill passed. He did not intend to debate it, but he would contend that the act of Congress did not make the Government responsible. Its only effect was to cheat foreigners. He would not say how far the moral obligation went. He would not vote for the bill in any way, but he wished to protect the Government as far as possible.

Mr. **LEIGH** said, if we had in any way used language which implied responsibility, we were bound in equity to pay the debt. He had no idea that we should ever be completely reimbursed.

Mr. **DAVIS** said he should be very unwilling to vote for the bill in the form in which it now stands. One reason was the indefiniteness of the sum. Another arose out of the price at which scrip would be in Holland. He thought it would bear a considerable advance on the nominal sum. He wished to see some estimate, to be assured whether the million and a half could be purchased for that sum. He was in the House when the act passed, and was at that time very doubtful whether Congress had any right to pledge the property of individual citizens of the District to make a canal through Maryland and Virginia. Another objection was, that this act would induce other foreigners to think that our Government would guaranty similar loans. He had also been subjected to a reproach for illiberality, because he was unwilling to give the corporations a power to borrow money. The District of Columbia was on its knees, and instead of seducing the corporations into the act, they put it on the ground that it was merely a solicitation of a little more power. He had been not at all disappointed in the result. When the bill should be presented in a form in which he could understand it, he would take the responsibility of a vote one way or the other. He could not vote for it in its present form.

Mr. **KING**, of Alabama, said he should vote for the motion to recommit, if the Senator from South Carolina would withdraw his instructions. He denied that there was any guarantee, and said such was the understanding when the bill was passed. The amount of interest and expenditures it might be difficult to ascertain, but he wished to leave it to the committee to report the bill in such form as they might think best.

Mr. CALHOUN then withdrew his instructions.

After a few words from **Mr. WRIGHT**, the bill was recommitted.

The Senate then adjourned.

FRIDAY, FEBRUARY 12.

A message was received from the President of the United States, returning certain resolutions of the Legislature of the State of Indiana, concerning the sale of the public lands in the vicinity of Fort Wayne. The message, which was ordered to be printed, is as follows:

To the Senate of the United States:

I herewith return to the Senate the resolution of the Legislature of the State of Indiana, requesting the President to suspend from sale a strip of land ten miles in width, on a line from Monceytown to Fort Wayne, which resolution was referred to me on the 5th instant.

It appears from the memorial, to which the resolution is subjoined, that the lands embraced therein have been in market for several years past; that the Legislature of the State of Indiana have applied to Congress for the passage of a law giving that State the right to purchase at such reduced prices as Congress may fix; and that their suspension from sale is requested as auxiliary to this application.

By the acts of Congress now in force, all persons who may choose to make entries for these lands, in the manner prescribed by law, are entitled to purchase the same; and, as the President possesses no dispensing power, it will be obvious to the Senate that, until authorized by law, he cannot rightfully act on the subject referred to him.

ANDREW JACKSON.

FEBRUARY 11, 1836.

LAND BILL.

On motion of **Mr. EWING**, the bill appropriating for a limited term the proceeds of the public lands, &c., was taken up, for the purpose of fixing a day for its consideration.

Mr. EWING then moved to postpone the bill, and make it the special order for Wednesday next.

Mr. BENTON wished that it should be Wednesday week, as he desired to call up a military bill early next week.

Mr. EWING persisted in his motion for Wednesday; the question was taken, and decided in the affirmative: Yeas 16, nays 13.

SLAVERY MEMORIALS.

The Pennsylvania memorial, praying for the abolition of slavery in the District of Columbia, was called up, as the first on the list of general orders.

Mr. SOUTHARD asked if it was not the understanding that Friday should be devoted to private bills.

The CHAIR. At one o'clock.

Mr. SOUTHARD hoped that, as it was so near to that hour, this subject would be postponed.

Mr. CALHOUN expressed a hope that the Senator from Alabama, who was entitled to the floor, would be heard on the subject. He had waited some time for the opportunity, and it was proper to dispose of the subject as early as possible.

Mr. PORTER said it was desirable to get through the private bills, and prevent their accumulation; and he hoped the Senator from Alabama would acquiesce in the postponement. Still, if the Senator from Alabama earnestly desired to go on to-day, he would withdraw any opposition.

Mr. MOORE expressed a wish to go on with the discussion.

Mr. EWING objected to taking up the subject at this time. There was other business pressing upon the attention of the Senate, and this, if taken, up, would probably occupy the day. Mr. E. said he had several memorials of a similar character in his possession, which he wished soon to present, but he waited until this should be disposed of before he offered them; and when he did offer them, he wished to present his views on the subject. He thought it better to pass it by to-day, and take it up early next week, and dispose of it.

Mr. TALLMADGE, considering that it would be proper that the Senator from Pennsylvania, who introduced the memorial, should be present, moved to postpone the consideration of the subject until Monday.

Mr. MOORE then said he would move to lay the subject on the table, as the Senator from Pennsylvania was not present.

These motions were withdrawn; and

Mr. M. addressed the Senate in support of the motion of Mr. CALHOUN that the petition be not received.

Mr. M. said he felt sensibly the obligations imposed upon him by the courtesy of the Senate, by their adjournment, when this subject was under discussion at a late hour on a former day; and, in order to make what he had no doubt they would receive as a suitable return for that indulgence, he promised to be as brief in his remarks as possible; and he would not even now trespass upon their patience for a single moment, except for the peculiar course of remark that had been indulged in by certain Senators, and the high state of excitement which prevailed in the section of country from which he came, connected with the subject.

Mr. M. desired to assure the Senator from Pennsylvania [Mr. BUCHANAN] who introduced this petition, that, in any thing he should say, or in the vote which he was about to record against receiving the petition, he was not influenced by any want of regard for that orderly and highly respectable body of men from which it emanated; for he believed in his heart, as a profession, the society of Quakers or Friends had as much to command his regard as any other. It was true, he said, there were certain points in their creed, or book of faith, to which he could by no means subscribe.

But it was claimed for these petitioners that they had assumed their attitude before the Senate under the constitution, and that the Senate had no right to refuse to receive their petition.

Mr. M. said it was with great deference, great deference, indeed, to the opinions of others, that be begged leave to say, in his opinion, that that article in the constitution which guaranties to the citizens of the country the right peaceably to assemble and petition for the redress of grievances had nothing to do with this matter whatever; that it was entirely foreign to the subject; and asked whether Congress was about to pass any law having for its object the infringement of this right, thus secured, peaceably to assemble and petition for the redress of grievances. Was any such proposition pending? No. Had these petitioners complained of any grievance with which they were afflicted? No. They had complained of the existence of slavery in the District of Columbia as a grievance, and they had complained of the slave trade in the District of Columbia, which they had been pleased to denounce in no measured terms. They had also taken the liberty to denounce those who participated in that trade. And to these allegations he said he would make a single reply. He said, if slavery in the District of Columbia be an evil or a grievance, it was one which it belonged exclusively to the people of the District to adopt the necessary measures to redress and be relieved of, and not to the people of Pennsylvania. And as regarded the traffic carried on in the person of slaves, this had been the case ever since the Government was established; and he was glad to know this property was secured and guarantied not only to the citizens of the District of Columbia, but to the citizens of all the slaveholding States, by that sacred instrument, the constitution of the land, which we were all sworn to support. He said he regretted that these petitioners had, in this instance, violated a rule of propriety in their own deportment which he believed they very seldom violated upon any ordinary occasion. He alluded to the rule called by some "a golden one," by others "the eleventh commandment," "that enjoined the duty upon each member in society to attend to his own business, and let his neighbors alone."

These petitioners had unceremoniously left their own domestic firesides, and had thrusted themselves here before the Senate, and demanded that they should be permitted to meddle with their neighbor's concerns. Suppose (said Mr. M.) these petitioners were to take it into their heads that the existence of slavery in Alabama, or in any other State, or suppose they were to imagine the liberty of speech or the freedom of the press to the extent they have been exercised of late, were grievances, (and he could not doubt but many would agree with him that the freedom of the press had been grossly abused and licentious,) yet would a petition, embracing these topics, be received by this Senate? He thought not.

Then, as to the language in which this petition is couched, although it was not as offensive as that employed in other petitions on the same subject, yet it was certainly highly objectionable; for he said it could not be disguised that in this petition was a serious charge, made, it was true, more directly against the good people of the District of Columbia, but it also included a portion of his constituents. The slave trade in the District is denounced, and those who participate in it are denounced as being as base, as criminal, and as guilty, as if they were to be concerned in the African slave trade, which it was known our laws have characterized as piracy, and annexed to its commission a capital punishment. He said he must be permitted, as far as his constituents were concerned, to enter in their behalf "the plea of not guilty;" and he would go further, and say they were not only not guilty but entirely innocent, and not only innocent but slandered. He said he would enter the same plea in favor of his colleague [Mr. King] and himself, for they, too, had purchased slaves in the District for their own plantations; and he was unwilling to admit that they had committed any crime, much less one of so serious an import as that charged.

Mr. M. said he would feel it his duty to say more in defence of the moral character and reputation of the people in the South, who had been wantonly assailed as regarded the treatment to their slaves; but upon this branch of the subject he had been anticipated by the honorable Senator from Virginia, [Mr. Leigh,] who had been so happy in putting this matter in its proper point of view, that but little was left for him, except to tender the honorable Senator his thanks, and the thanks of his constituents, which he had no doubt he would receive, as he would the gratulations of his own constituents, the citizens of the Ancient Dominion, whose honor, views, and principles, constitutional rights, and privileges, he had so ably and eloquently defended and supported.

Mr. M. said, on this point he would only add that, to those who knew the Southern people best, there would be no difficulty in doing them justice; they would at once admit that these attacks were made either through a gross ignorance of their character, or from a design wilfully to misrepresent them. The principles of humanity, (said Mr. M.,) which he fondly hoped had as much influence in a Southern as a Northern climate, as well as a proper regard for their own interest, dictated a different treatment to their slaves. Sir, (said he,) they constitute our property, our wealth, and, in some instances, our all. Our interest, therefore, requires that we should see that they are treated with humanity, in order that we may derive the greatest possible advantage from their services. And, sir, (said Mr. M.,) I will not hesitate to say, they are well treated, well fed, well clothed, furnished with comfortable dwellings to shelter them from the cold and from the rain. Yes, sir, and they are well satisfied, and well contented, too, and would remain so, if permitted; if these officious intermeddlers, these enemies of our peace, these instigators of insurrection, would only stay their hand, would let us alone. And surely we have a right to demand this much; less will not quiet or satisfy the South.

As a suitable commentary upon the manner in which the South has been slandered and abused, and a suitable commentary, too, upon the character of those base incendiary productions with which that section of country has been literally inundated of late, he would refer to a little book that had by accident got into his hands; it contained some plates, engravings, &c., one object of which was doubtless to place the Southern people in the most odious and degraded point of view that it was possible to imagine, at the same time that it laid the foundation for rebellion and insurrection among a portion of our population. He would not say that this was a principal object in the authors of this work, but he would say, this was among the natural consequences of productions of this character, connected with another result not much less objectionable—the creating prejudice and ill-will in the breast of the Northern against the Southern people. Mr. M. said no person of sensibility, of whatever political party he might be, whether he hailed from the South or the North, the East or the West, could read a half page in this pamphlet, and be able to suppress the most indignant feeling. Sir, (said Mr. M.,) will the Senate excuse me for reading one sentence only on the first page, as a sample of the work? Here Mr. M. read as follows:

"One of the reasons why the Southern States advocated the purchase of Louisiana and Florida was, that they might be able to recover their runaways, as well as to open a market for their surplus slaves, and increase the number of the slaveholding States. For the same reasons, they now urge the purchase of Texas."

Was ever a more foul calumny or base libel published against any community or class of citizens?

Sir, (said Mr. M.,) I wish this incendiary author, whilst he was so very learned and orthodox in the reasons assigned which influenced the republican administration of Mr. Jefferson in the purchase of Louisiana, had been pleased to furnish us with those which influenced the course of certain politicians in getting up and transmitting to Senators here, and members on the other floor of the national Legislature, instructions, by which an opposition was made to the admission of Missouri into the federal family, unless she would come in with a restriction as regards slavery, and which opposition was waged and prosecuted with a spirit and violence that threatened the integrity of the Union itself. Mr. M. doubted not but this author, from his peculiar locality, could have informed us whether that opposition was predicated upon political considerations, in order to prevent an accession of political power, in proportion to the black population, which is entitled to representation according to the principles of the federal constitution, or whether it proceeded from the dictate of humane and philanthropic motives, which these fanatics make great profession of, without possessing the least particle of such feeling.

Mr. M. said he had intended to have prosecuted this inquiry with a view to ascertain, if possible, the secret motive and latent springs which gave rise to the instructions and opposition alluded to; but he said he feared he would be deemed as approaching forbidden ground. He was well aware some would think it unkind to open old wounds. Some honorable Senators deprecated discussion on this subject; they deprecated excitement—caused by whom? Not by us who oppose the reception of these petitions, but by those who get them up and send them here. He was well apprized that the fears and sensibilities of certain gentlemen were easily aroused, lest by inquiry and discussion a political partisan leader should be involved. He, therefore, would not prosecute this subject further; he would not even say what he had intended to say, and what might be very well said in connexion with this subject, but would return to the petition of the citizens of Pennsylvania, asking the abolition of slavery in the District of Columbia. And Mr. M. desired to know where was the utility of receiving this petition for the avowed purpose of rejecting it immediately. Would the petitioners consider themselves as being treated with more respect by giving this direction to it than if its reception was refused? Would they be inclined to appreciate that right, guarantied by the constitution, peaceably to assemble and petition for the redress of grievances, of which gentlemen talk so much, as being worth one cent, if it only extends to the right of having a petition read, and the prayer contained therein forthwith rejected, without having it referred or even considered in any manner. Gentlemen attempt to draw a distinction between a proposition to reject the petition and the one to reject the prayer of the petition; but surely this is a distinction without a difference, and so he imagined the Quakers of Pennsylvania would think.

Mr. M. asked whether this procedure was necessary, in order to give Congress jurisdiction in this case? Was it necessary, in order to hold out the idea to those petitioners and others who partake of their views and feelings, that they have a constitutional right to petition Congress to abolish slavery in the District of Columbia? Was it necessary, in order to encourage persons of this description to continue to harass and embarrass Congress with applications of this character? If this was to be one of the consequences of receiving this petition, to his mind it furnished an additional reason why the petition should not be received. For he would not admit that any had the right to approach that body, and demand, or even to petition for, the adoption of a measure which it was admitted that Congress had no right constitutionally to pass; and, upon this point, he believed there was no difference in opinion among those representing the Southern section of the Union.

But, Mr. M. said, he had already intimated that an extraordinary state of excitement prevailed in the section of country from which he came, connected with this subject; and, in confirmation of this position, he would refer to the numerous public meetings that had been called by the citizens of the State. He believed the people in every populous county had congregated themselves together for the purpose of adopting such measures as they deemed best calculated to secure their safety, and avert the evils and dreadful calamity with which they were threatened by the publication of these incendiary pamphlets. Resolutions had been adopted advising a more rigid discipline over our servants; patrols recommended to be kept up incessantly day and night; passes refused to be given in the usual way; they not permitted to assemble for the purpose of holding their own public worship as usual; and many other measures looking to additional restraints upon the comfort and liberty of the servants themselves, had followed as natural results from the state of excitement. But (said Mr. M.) this was not all: resolutions had been adopted invoking the aid and the action of the General Assembly upon the subject, and the General Assembly had accordingly acted.

A memorial had been adopted by the General Assembly, addressed to the Legislatures of the States whence these insurrectionary pamphlets issued, a copy of which he had the honor of presenting to this body, and which the Senate indulged him in having printed, and which now lies on each Senator's table. In this, it will be seen, a most earnest appeal is made to these legislative bodies, urging the propriety and justice of legislative enactments to punish the offenders. Is more evidence wanting? It would be found in the correspondence which he had seen published between the Governor of the State of Alabama (J. Gayle) and the Executive of the State of New York, wherein it appears that the former had felt it to be his duty, in accordance with the oath he had taken to see the laws of the State faithfully executed, to make a formal demand upon the latter for the surrender of a certain individual against whom a bill of indictment had been found by the grand jurors of a respectable county, charging him with having wickedly and maliciously published and circulated these incendiary publications in that State. It is true, the Executive of the State of New York made a very courteous reply to Governor Gayle, declining a compliance with his demand. He refused to deliver up the celebrated —— Williams, publisher of that notorious and insurrectionary work, upon constitutional grounds. But, (said Mr. M.,) as the Executive of New York had admitted it was constitutional for the General Assembly of that State to pass laws to punish those who might publish pamphlets calculated to excite rebellion and insurrection in a sister State, he regretted that, whilst the Executive of New York had made the most liberal professions of kind feelings for the people of the South, he should have declined to recommend to the General Assembly over which he presided, and exercised such a commanding popularity, the propriety and necessity of legislative enactments to punish the individual whom he had refused to deliver to the authority of Alabama, and his associates, for the prosecution of these nefarious and wicked schemes in which they are engaged, calculated to annoy and finally to threaten the peace and safety of the Southern country. Mr. M. said he could not doubt, if such a recommendation had been made by the Governor of New York, in good faith, that such enactments would have been passed; and such would have been more gratifying to the Southern people than mere empty declarations or expressions of friendly feelings; they would then have had the action of the Executive in confirmation of his friendly expressions of kind feeling for the South. He said he regretted that the Governor had not embraced the favorable opportunity that had been afforded him to prove the sincerity of the declarations so frequently made by Northern gentlemen in favor of the Southern people, as connected with this subject.

Mr. M. said it was not necessary for his purpose that he should either commend and laud the Governor of Alabama for the course he had pursued in relation to this subject, or that he should censure the Executive of the State of New York for the manner in which he had thought proper to discharge his official trust to his constituents. His object in adverting to this topic was to show the high state of excitement that prevailed—a state of public feeling that had scarcely a parallel at any former period in the history of our country.

Mr. M. said there were other circumstances connected with this matter, well calculated to excite fears that there was something more intended by the abolition party than met the public eye. He said he had been informed that from two to three hundred of these petitions had already been presented in the other branch of the national Legislature. Many had been presented here, more than ever had been presented in the same length of time at any former session; how many more were yet lying in the table drawers of honorable Senators, and in the drawers of members in the other House, waiting a favorable moment to be brought forth and presented, he could not say; nor could he pretend to say how many of these misguided fanatics were then industriously engaged in the laudable work of manufacturing these petitions at the very moment the Senate were discussing the propriety of receiving one of them. One thing he did know, that the number of the petitions had increased; he was informed the anti-slavery societies had increased; their exertions had been doubled, and their assaults trebled, of late, upon the District of Columbia; doubtless for a good reason, in their opinion, the District may present the most assailable point, from its peculiar organization; and hence they have concentrated all their force against the District in the first instance; but his word for it, give them but ground to stand upon here, and more than half their object is accomplished, for he had formed the deliberate opinion that this movement was intended only as an entering wedge to a great and general scheme of emancipation that, if encouraged, would be prosecuted with a zeal and perseverance that merited a better cause, into all the slaveholding States; and, entertaining this opinion, he felt it to be his duty, representing the section of country from which he came, to vote against receiving the petition, in order, if possible to arrest the project in its incipient stage. He thought it was not only our duty to reject the petition, (or the prayer of the petition, for he could see little or no difference,) as the Senator from Pennsylvania, [Mr. BUCHANAN,] who introduced it, was willing to do, but he thought it should be rejected in the most decisive manner possible, that the seal of disapprobation should be put upon the measure in that stern and emphatic manner that would be best calculated to put down this mischievous project for ever.

Mr. M. said he was glad the honorable Senator from Virginia to his left [Mr. TYLER] had introduced a resolution on this subject which would not give quite so wide a field for debate. He understood that resolution presented the single constitutional point, and negatived the constitutional power in Congress to meddle in any manner whatever with the relation between slave and master in the District of Columbia. When this resolution shall be discussed, (and he hoped it would be called up and acted upon very shortly,) Mr. M. said we should then see who would be willing to march up to the sticking point boldly; who would show their hands; who would yet halt and occupy neutral ground; and from what quarter "the non-committals would come." Until a decision was had, the South could not know their true position. When the question was finally acted upon and decided, they could then claim to know that those who were not with them were against them.

Mr. KING, of Georgia, said he would like to say a few words, if not encroaching on the business set apart for the day. As the remarks he wished to make were principally called for by the remarks of the Senator who had just taken his seat, he preferred making them then, but would yield to the wishes of the Senate. No objection being made, Mr. K. proceeded to remark that he thought he had made up his mind to say not one word on these memorials. He disliked to participate in that which he had condemned in others. For the reasons just given, however, and for those given by other Southern Senators who had previously offered their views briefly, it was perhaps right that he, as a Southern man, should briefly explain the views which would induce him to vote against a motion made by a Southern man as a Southern measure.

Upon the general subject, his views had been already very well expressed by others. In fact, it had been well expressed in the course of the debate, that upon the object of the memorialists, their feelings, sentiments, and opinions, and also upon the pernicious tendency of their measures, there was not, nor could be, any material difference among the members representing the Southern section of the confederacy upon that floor. Their feelings and interests were the same; and if they differed, it was only a difference as to the mode in which the question should be disposed of; a difference, simply, as to the most expedient mode of stamping with disapprobation the pernicious labors of these disorganizing agitators. Perhaps, he said, like the Senator from Alabama, he should make some exception in favor of the intentions of the particular memorialists whose petition was now under consideration.

[Here Mr. K. asked if it was not the petition alone of the Friends that was under consideration, all others having been withdrawn; and being answered in the affirmative, he proceeded.]

He hoped even these good people would come to understand that their labors, however well intended, would be attended with the same mischievous consequences that followed the effects of those who could not, in all cases, have the same charity extended to them.

But (said Mr. K.) this being among the Southern members a mere difference of form in the manner of disposing of the subject, I regret exceedingly that the Senator from Carolina has thought it his duty (as he doubtless has) to press the subject upon the consideration of the Senate in such form as not only to permit, but in some measure to create, a necessity for the continued agitation of the subject. For he believed, with others, that nothing was better calculated to increase agitation and excitement than such motions as that of the Senator from South Carolina. What was the object of the motion? Senators said, and no doubt sincerely, that their object was to quiet the agitation of the subject. Well, (said Mr. K.,) my object is precisely the same. We differ, then, only in the means of securing a common end; and he could tell the Senators that the value of the motion as a means would likely be estimated by its tendency to secure the end desired. Would even an affirmative vote on the motion quiet the agitation of the subject? He thought, on the contrary, it would much increase it. How would it stop the agitation? What would be decided? Nothing, except it be that the Senate would not receive the particular memorial before it. Would that prevent the presentation of others? Not at all; it would only increase the number, by making a new issue for debate, which was all the abolitionists wanted; or, at any rate, the most they now expected.

These petitions had been coming here without intermission ever since the foundation of the Government, and he could tell the Senator that if they were each to be honored by a lengthy discussion on presentment, an honor not heretofore granted to them, they would not only continue to come here, but they would thicken upon us so long as the Government remained in existence. We may seek occasions (said Mr. K.) to rave about our rights; we may appeal to the guaranties of the constitution, which are denied; we may speak of the strength of the South, and pour out unmeasured denunciations against the North; we may threaten vengeance against the abolitionists, and menace a dissolution of the Union, and all that; and thus exhausting ourselves mentally and physically, and setting down to applaud the spirit of our own efforts, Arthur Tappan and his pious fraternity would very coolly remark: "well, that is precisely what I wanted; I wanted agitation in the South; I wished to provoke the 'aristocratic slaveholder' to make extravagant demands on the North, which the North could not consistently surrender them. I wished them, under the pretext of securing their own rights, to encroach upon the rights of all the American people. In short, I wish to change the issue; upon the present issue we are dead. Every movement, every demonstration of feeling among our own people, shows that upon the present issue the great body of the people is against us. The issue must be changed, or the prospects of abolition are at an end." This language (Mr. K. said) was not conjectured, but there was much evidence of its truth.

Sir, (said Mr. K.,) if Southern Senators were actually in the pay of the directory on Nassau street they could not more effectually co-operate in the views and administer to the wishes of these enemies to the peace and quiet of our country. And yet (said Mr. K.) we have just been charged with sacrificing Southern interests to attain a political end. [Here Mr. MOORE said the Senator from Georgia had misunderstood him, and made some explanations.] Mr. K. said he had expressly understood the Senator to say that the object of the course of the administration party was to favor the pretensions of a certain Northern candidate for the presidency, but accepted the explanation.

It was a good maxim in politics as well as private life, (Mr. K. said,) never to demand too much. By making unreasonable demands, we often lost that to which we were plainly entitled. If the non-slaveholding States were willing to allow us all our rights, we should be satisfied. We should never leave an impregnable position for the doubtful prospects of a dangerous ally.

Notwithstanding what he had said, he was not prepared to say that the motive of the Senator from Carolina might not be entertained without any dangerous invasion of a constitutional right. It has been insisted that the memorialists bear no interest in the subject, and therefore are not entitled to the right of petition. We should recollect, however, that the right of petition is esteemed a very sacred one in this country; and we should make up no unnecessary issues about it. The people on these matters usually measured in the lump; they did not understand these nice constitutional distinctions and parliamentary rules, and a refusal to receive petitions on such grounds would be looked upon as an arrogant attack upon a popular right, and would be so used by the enemies of the South.

But why were we bound to refuse to receive these petitions? If he understood Senators, it was on two grounds: the first was, that the language reflected on a portion of the members. Now, (said Mr. K.,) every Southern Senator feels an equal indignation at having these memorials brought before them. But he did not know how the memorialists, in this particular case, could have presented the subject at all in more respectful language than they have employed. But he said he was already strongly committed on this point, by votes given on other occasions, since he had been in the Senate. He could not change his action until he had changed his opinion. He considered the pretensions of the Senate on this subject the most dangerous and extraordinary ever tolerated in any representative Government. The doctrine, as acted on in a few cases in the Senate, was, that we would not receive any memorial that might, in the opinion of the Senators, "reflect on the body, or any member of it." On this principle, how are the people ever to obtain reform of abuses, originating in the two Houses, or either House? Where would the principle lead to? He would not dwell upon the subject, but he would put a few plain cases, that would be well understood by Senators. We have (said Mr. K.) been in the habit of voting ourselves privileges. All exclusive privileges are justly odious to our people. They are inconsistent with the American character, and opposed to the genius of our institutions. We have voted ourselves the franking privilege, not during the session, as formerly, but in perpetuity. This privilege, it was known, was sometimes grossly abused, which would be strong argument for its total repeal. He also spoke of the purchase of books for the members, and referred to the practice of members in paying for their newspapers out of the public money, in support of which practice he had never been able to elicit any argument, except the unanswerable one of the yeas and nays. The contingent expenses of the two Houses had been also swelled in a few years to an enormous extent. There were other cases of more magnitude, which might be made the subject of complaint by the people, but he referred to them as obvious cases, that had been spoken of during the present session. Suppose, then, the people were to petition Congress to abolish the franking privilege, and state, as a reason, the enormous abuses to which it is subject. Suppose they look at the sum total of your contingent account, and, believing it impossible it could be honestly expended for any contingencies that the constitution will allow, pray Congress to look into the subject, and reform the abuse: according to this novel doctrine, any Senator might rise and move that "the memorial be not received," because it "reflected on the Senate or some of its members." Sir, (said Mr. K.,) I deny the whole doctrine. I deny it in the general, and I deny it in the particular; I deny it in the gross, and I deny it in the detail. It has not one single inch of ground in the constitution to stand upon. We were sent here to do the business of the public, and not to set up arbitrary codes for the protection of our dignity, and then be left to determine what dignity means. I consider true senatorial dignity to consist in a straightforward, independent discharge of our constitutional duties, and not in searching into the language employed by our constituents, when they ask us for a redress of grievances, to see if we cannot find some pretext to commit a fraud upon the constitution. If the people thought we had done wrong, they had a right plainly to tell us so; and, if we found the charge true, we should set about a reformation. If untrue, we should reject their petitions on that account.

Mr. K. said he had spoken of this doctrine in a general point of view, and could not honor the abolitionists so far as to suffer them to provoke him to a violation of the constitution as he understood it.

In the second place, it was contended that we should not receive the petition, because to grant it would be unconstitutional. Was it not apparent that this was assuming prematurely that which we should arrive at by an examination of the subject? It had been asked—why receive the petition, if it were afterwards to be rejected? Senators had asked—what was the difference between the two modes of proceeding? He would ask, in turn, if there was no difference, why did gentlemen insist on their motion? There was a difference, however, which he thought was well understood.

To refuse to receive, denied the right of being heard. To receive, and reject the prayer of the petitioner, gave the privilege of a hearing, and the judgment of the Senate upon the subject. This petition, he said, had been read, and its object considered; but not necessarily so. The motion was perfectly in order, before reading, on a statement of the nature of the memorial by the Senator offering it, and the theory of the motion was to deny the right to a consideration. This consideration might change an opinion previously formed without it;

and should not be denied because our first impressions may be against the rights of the petitioners.

Mr. K. said that he believed, also, after some reflection upon the subject, that Congress had no constitutional power to emancipate the slaves in the District of Columbia, in the manner contemplated by the memorialists. He believed that Congress had precisely the same power over the subject in the District of Columbia that the States had in their respective limits, and he agreed perfectly with the Senator from Virginia [Mr. LEIGH] that the States themselves had no power to take the slave from the owner, except for public use, and for a just compensation. He did not agree, however, with the Senator from Virginia in his construction of the proviso in the Virginia cession, as the plain import and intention of the proviso was only to negative the idea that the soil was transferred with the jurisdiction. But the aid of this proviso was not necessary to the constitutional argument, and he did not believe the Senator placed much stress upon it.

The *argumentum ab inconvenienti* also of the Senator from Virginia, although powerful, even irresistible, to prove the inexpediency of exercising the power, if the power were admitted, was still not sufficient, perhaps, to disprove the existence of the power itself.

It was the intention of the framers of the constitution that Congress should have a very extensive legislative power over the District. It was necessary it should have it, and it was reasonably supposed that Congress could have no dangerous temptation to abuse it. What inducement could Congress have to oppress the helpless inhabitants of the ten miles square? or, on the other hand, what dangerous inducement to heap expensive benefits on the District at the cost of their own immediate constituents? None in the world. And hence the alarming pictures drawn of the effects of emancipation in this District, and in all the forts and arsenals in the slaveholding States, whilst slavery exists in the surrounding States, had not the slightest influence upon his deliberations upon the subject. The former might be admitted, and he had not the slightest apprehension that Congress would ever exercise it so long as there was virtue and patriotism enough in the country to hold the Government together.

But, he said, without any particular distrust of Congress as the Legislature of the District of Columbia, there was a restriction upon the whole legislative power of the Union, State and federal, which denied the right to Congress to do that which was wished by the memorialists. This was a national restriction, and extended to the District of Columbia as well as to the States. This restriction was to be found in the fifth amendment, which had been referred to by others. This amendment says that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Mr. K. said he thought it might be found, as a historical fact, that this amendment owed its origin to the apprehensions of the slaveholding States on this very subject. It was well known that the constitution met with great opposition in the convention of Virginia. There some of the greatest men, and the greatest patriots of the age, used every means to defeat it. Among other things, it was objected to by Patrick Henry and others, that Congress would have power under the constitution to emancipate the slaves in the slaveholding States. In vain did the advocates of the constitution appeal to its obvious guarantees on this subject; they still believed, or affected to believe, that Congress had the power, under the general welfare doctrine so long exploded. Finding that the constitution would be adopted, against their efforts, they then showed themselves consistent, by proposing and appending to the ratification of Virginia a bill of rights and sundry amendments, containing their principal objections, and this among the rest. Some of the principles contained in the bill of rights and amendments were adopted by Congress, and others rejected; and this principle was adopted in the fifth amendment, as before read. The great object was the certain security of private rights against the arbitrary powers of legislation; and it was evident that the private rights of the slaveholder in the District of Columbia were inconsistent with the object of the memorialists. He could, to be sure, imagine a state of things in which Congress, as the only legislative power for the District as a community, might interfere with the slaveholder at the expense of the District; but the case was so remote that it scarcely deserved our consideration. If slavery were abolished every where else in the Union, and the people of the District should find it a check to their prosperity and a curse to their community, Congress might, perhaps, in reference to the good and supposed wishes of the District, tax it for the emancipation of its own slaves. The only question in such a case would be, whether emancipation was such a public use as that contemplated in the constitution. He had given no special consideration to this branch of the subject, and would detain the Senate no longer upon it. He should vote against the motion of the Senator from South Carolina, because he thought it useless and impolitic to be making up useless and unusual issues with these people, only calculated to give them importance and strength. And he should vote to reject the prayer of the petitioners, because he thought it inexpedient; and, further, that Congress had no constitutional power to grant it.

Mr. CALHOUN said that the discussion was to him entirely unexpected; and as it had interfered with the arrangement, allotting this day to private business, he felt bound to explain the motive which governed him in resisting the motion to postpone the question, in order to afford the Senator from Alabama [Mr. MOORE] an opportunity to deliver his remarks. It is known that that Senator had, several weeks since, risen to discuss this subject, so important to his constituents, but the Senate adjourned before he had finished his remarks. After so long a lapse, he felt it to be due to that Senator that he should now have an opportunity of concluding what he then intended to say. As he was known to be generally brief in his remarks, I did suppose that he would not have occupied the Senate beyond the usual time of taking up the orders; and much less did I suppose that other Senators, who were not in a similar situation, would succeed him in the discussion. Had I anticipated such a result, I would certainly have acquiesced in the postponement of the question, in order to take up the business to which the day was allotted; and in order that I may occupy as little time as possible, I will not undertake to follow the Senator from Georgia in the course of his argument. I propose to touch upon a few points only, in the hope that, after I have concluded my remarks, the question may be disposed of for the present.

I have heard (said Mr. C.) with deep mortification and regret the speech of the Senator from Georgia; not that I suppose that his arguments can have much impression in the South, but because of their tendency to divide and distract the Southern delegation on this, to us, all-momentous question. We are here but a handful in the midst of an overwhelming majority. It is the duty of every member from the South, on this great and vital question, where union is so important to those whom we represent, to avoid every thing calculated to divide or distract our ranks. I, (said Mr. C.,) the Senate will bear witness, have, in all that I have said on this subject, been careful to respect the feelings of Southern members who have differed from me in the policy to be pursued. Having thus acted, on my part, I must express my surprise at the harsh expressions, to say the least, in which the Senator from Georgia has indulged.

[Mr. KING here asked that the expressions might be specified.]

Mr. C. replied that he understood the Senator to designate the demand of the question on the receiving of the petition as a mere pretext.

[Mr. KING disclaimed having done so.]

Mr. C. said that he certainly understood the Senator from Georgia as having used the expression, but was gratified that he had disclaimed it; but he could not be mistaken in saying that the Senator had represented the course which I, and other Senators who think with me, have pursued in reference to this subject, as aiding and playing into the hands of A. Tappan & Co., and calculated to produce agitation. I would ask (said Mr. C.) upon what possible authority such assertion can be made? What has been my course? Has it not been purely defensive? I am averse to Congress touching the subject of abolition, and from the beginning of the session have prescribed to myself, as a rule not to be departed from, a resistance of all attempts to bring the subject within the sphere of the action of this body. Acting on this principle, I felt myself bound (said Mr. C.) to demand the question on receiving the various petitions which have been presented, in order to shut the doors of the Senate against the admission of the wicked and fanatical agitators. Had I not a right, (said Mr. C.,) secured by the parliamentary rules of this body, to demand this question, and was I not bound to exercise it on this occasion? When the incendiaries present themselves here, in violation of the constitution, with petitions in the highest degree calumnious of the people of the South, holding them up as despots, dealers in human flesh, and pirates, was it for me, representing one of the Southern States, to be silent on such an occasion, and to endorse such slanders on my constituents, by receiving them? I certainly do not so estimate my duty. I consider it the proper occasion to exercise the right, which belongs to me as a Senator, to demand the question on the reception; for doing this I have been accused as an agitator. This is the utmost extent of my offending. But (said Mr. C.) let us inquire, if there has been agitation, who are the agitators, and who is responsible for discussion? Is it I and those who have acted with me; who have acted on the defensive; who have demanded a question which every Senator has the acknowledged right of demanding on every petition, or those who have resisted that demand? And on what ground has this demand been resisted? Can any be more extraordinary than that to refuse to receive is a violation of the constitution? What are the words of that instrument? That "Congress shall pass no law prohibiting the people from peaceably assembling and praying for a redress of grievances." Has any such law been passed? Have these agitators been prohibited from praying for a redress of grievances? Does any one pretend that such is the fact? How, then, can it be asserted that, to refuse to receive these slanderous petitions, praying the enactment of unconstitutional laws, is a violation of the constitution?

I (said Mr. C.) am gratified that the Senator from Georgia concedes the point that Congress has no power to abolish slavery in the District—a concession which atones for much which he has said. To yield the right here, is to yield the right to Congress to abolish slavery in the States. I would proclaim (said Mr. C.) to the whole South that, if the right be surrendered to abolish slavery in the District, their most effectual guard is surrendered. But I will ask the Senator from Georgia, if Congress has no right to abolish slavery in this District more than to do so in the States, upon what principle can he vote upon the reception of this petition which, he concedes, prays the Senate to pass a law in violation of the constitution? Let us change the question, to test the principle on which the Senator acts. He admits the constitutional power of Congress over the subject, whether in this District or in the States, to be the same; I ask him, then, (said Mr. C., addressing Mr. KING,) is he prepared, as a Senator from Georgia, to vote to receive a petition for the abolition of slavery in that State—a petition, too, for his principles go to that extent, couched in the most abusive and slanderous language against the State and its institutions?

[Mr. KING replied, yes.]

All, then, (said Mr. C.,) that I can say is, that the Senator and myself are so organized as to have feelings directly dissimilar. Rather than receive such a petition against South Carolina, against those whom I represent, I would have my head dissevered from my body.

I feel (said Mr. C.) that I have transgressed upon the time of the Senate; I must postpone much that I have to say to a more suitable occasion; but so deeply am I impressed with the magnitude of the subject, that it was impossible that I could say less than I have said. No question of equal magnitude has been agitated since the formation of the Government, and, in my opinion, the only way to arrest their progress is to meet them at the threshold with a stern refusal to permit them to enter these doors. If I stand alone, I shall continue to occupy this ground, regardless of the unfounded charges of agitation. I hold this question too deep and too serious to be mixed up with the presidential or any other question of the day. I accuse no one of so mixing it, or of seeking to agitate it for party purposes; but I must say that, if there be agitators, those only are such who resist the course which I feel it my duty to pursue, and which I believe to be the only one compatible with the interests and security of the slaveholding States.

Mr. HILL now rose. I do not (said he) object to many of the positions taken by Senators on the abstract question of Northern interference with slavery in the South. But I do protest against the excitement that is attempted on the floor of Congress, to be kept up against the North. I do protest against the array that is made here of the acts of a few misguided fanatics as the acts of the whole or of a large portion of the people of the North. I do protest against the countenance that is here given to the idea that the people of the North generally are interfering with the rights and property of the people of the South.

Mr. President, the authors and movers of the abolition excitement at the North, so far as I have been able to identify them, are the same people who have so often attempted to move on other subjects of political agitation. The older ones might be traced through most of the excitements, from the Missouri excitement of 1816 down to the present time. Almost the same means have been pursued in this matter that for several years were pursued in relation to the stopping of the mails on the Sabbath during and subsequent to the late war, and to enlist the sympathies of the religious community in behalf of the "poor Indians," within the last few years. It is but the attempt of speculating, gambling politicians, to operate on the prejudices of the fanatical and the credulous; and it is done through organized societies, having the furtherance of religion for their ostensible object.

It fortunately happens, that never were the people of the North so entirely united in opinion on any exciting subject as they are on this question. The good sense of the community has utterly prostrated the fanatical party, so far as relates to any evils they can effect at home. Nine tenths of those who had for the moment been honestly deluded by the artful and the designing, have already disclaimed the connexion.

The policy of the friends to the Union in the State which I have the honor here, in part, to represent, had been not to contest the ground with the zealots who had embarked in a crusade against slavery in a country where slavery did not exist. They believed that the zeal of the few fanatics would sooner tire, if left the entire field to themselves, than if a collison was kept up. With all their efforts, with thousands of dollars poured in upon us to aid them, the malcontents made but few converts. There was no danger from their operations at home. It was not until the concentrated movements of the leaders of the abolitionists at the North began to produce alarm in the South, that the people took the business of putting down the agitators seriously in hand. Opposition has made them of more consideration than they were before; the artful leaders even now invite opposition, that they may cry out against persecution, and enlist more or less of public sympathy; just as the missionaries to the Indians in Georgia sought to be imprisoned, and even refused to be released till they found there was no longer sympathy left for them.

There is no course that will better suit the few Northern fanatics, than the agitation of the question of slavery in the halls of Congress—nothing will please them better than the discussions which are taking place, and a solemn vote of either branch denying them the right to prefer petitions here, praying that slavery may be abolished in the District of Columbia. A denial of that right at once enables them, and not without color of truth, to cry out that the contest going on is "a struggle between power and liberty."

Believing the intentions of those who have moved simultaneously to get up these petitions at this time to be mischief, I was glad to see the first petition that came in here laid on the table without discussion, and without reference to any committee. The motion to lay on the table precludes all debate; and, if decided affirmatively, prevents agitation. It was with the view of preventing agitation of this subject that I moved to lay the second set of petitions on the table. A Senator from the South [Mr. Calhoun] has chosen a different course; he has interposed a motion which opens a debate that may be continued for months. He has chosen to agitate this question; and he has presented that question, the decision of which, let Senators vote as they may, will best please the agitators who are urging the fanatics forward.

I have said the people of the North were more united in their opposition to the plans of the advocates of anti-slavery than on any other subject. This opposition is confined to no political party; it pervades every class of the community. They deprecate all interference with the subject of slavery, because they believe such interference may involve the existence and welfare of the Union itself, and because they understand the obligations which the non-slaveholding States owe to the slaveholding States by the compact of confederation. It is the strong desire to perpetuate the Union; it is the determination which every patriotic and virtuous citizen has made, in no event to abandon the "ark of our safety," that now impels the united North to take its stand against the agitators of the anti-slavery project. So effectually has the strong public sentiment put down that agitation in New England, that it is now kept alive only by the power of money, which the agitators have collected, and apply in the hiring of agents, and in issues from presses that are kept in their employ.

To an interior town (Canaan) in the State of New Hampshire, funds were sent to establish a school to be devoted principally to the instruction of colored persons that might be sent there from abroad; and an attempt was made to mingle these colored persons, as equals, in a community of persons exclusively white. This little community rejected with disdain a bribe of twenty thousand dollars offered them. They expostulated, and entreated those who would force a favorite scheme of the abolition society to desist: finding they could rid themselves of the nuisance in no other way, the inhabitants of the town and vicinity collected *en masse;* they brought with them some hundred yokes of oxen, and proceeded quietly to remove the edifice in which the colored youth were to be instructed to a place where it could not be used for that purpose. The removal of the building was justified on the ground that a large majority of those who had erected it originally for a different purpose had a right thus to dispose of their own property; and the nuisance has since been abated.

It was in the place of my residence, at the centre of the State, that the incendiary Thompson, who had been expelled from England for his crimes, first met such a reception as compelled him in a few weeks after to flee the country. He and other agitators were known to be in the vicinity; and a numerous meeting of citizens had just passed resolutions deprecating all interference on the subject of slavery in the South and in the District of Columbia. Thompson made his appearance, and notified the citizens that he would address them on the subject of slavery the next night. In the space of three hours such a spirit was roused as could not be repressed by those who desired to see the public peace preserved. The few friends of Thompson were notified that violence would be done to his person if he made his appearance. A large collection of people went to the place where he was supposed to be; he had fled, disguised, as was said, in female attire, and under the darkness of night. The people being unable to find him, had his effigy burnt in the public square, and carried out their triumph by some hundred discharges of artillery.

These two cases are but samples of the deep feeling that pervades New Hampshire, indeed, I believe I may say, the whole of New England, on the subject of the slave agitation. There are no laws that can be passed by our Legislatures which will do so much to repress the agitators as will the strong public sentiment that pervades the country. That sentiment even goes further than has been known on any other subject; it would in all cases be sufficiently scathing to the authors of the mischief if it discovered itself in that withering scorn which few men have the brass to withstand, without proceeding to tokens of disapprobation such as the law will not warrant.

Certain it is, that the South ought to be fully satisfied with the present disposition of the North. The Senators from Virginia and South Carolina [Messrs. Leigh and Calhoun] have mentioned a clergyman of Massachusetts—"the first scholar and writer of the age"—as being the author of a disgusting and reprehensible pamphlet in favor of abolition. Are the Senators not aware that this clergyman (Mr. Channing) is the same person who wrote and delivered an address laudatory of the crowned despots of Europe at the moment they had broken down Napoleon and France, when the latter Power was the only barrier between Great Britain (then at war with us) and the United States? This production of a Massachusetts clergyman is not an indication of the sentiment even of the city of Boston on the slave question. Probably half of the efficient abolitionists in New England are to be found among a certain description of the clergy; and those clergymen much of the character of those who considered it a high offence to Heaven to pray for the success of the American arms during the war with Great Britain.

The anti-slavery movement, which brings in petitions from various parts of the country asking Congress to abolish slavery in the District of Columbia, originates with a few persons who have been in the habit of making charitable religious institutions subservient to political purposes, and who have even controlled some of those charitable associations. The petitions are set on foot by men who have had, and who continue to have, influence with ministers and religious teachers of different denominations. They have issued and sent out their circulars, calling for a united effort to press on Congress the abolition of slavery in this District. Many of the clergymen who have been instruments of the agitators have done so from no bad motive. Some of them, discovering the purpose of the agitators, discovering that their labors were calculated to make the condition of the slave worse, and to create animosity between the people of the North and the South, have paused in their course, and desisted from the further application of a mistaken philanthropy. Others, having enlisted deeply their feelings, still pursue the unprofitable labor. They present here the names of inconsiderate men and women, many of whom do not know, when they subscribe their papers, what they are asking; and others of whom, placing implicit faith in their religious teacher, are taught to believe they are thereby doing a work of disinterested benevolence, which will be requited by rewards in a future life.

It is to the *esprit de corps* that has been moved of late years in whole religious bodies, directing benevolence away from home to distant objects—it is to the concentration of religious effort, sometimes to useful and salutary objects, but often to objects altogether impracticable, that we may attribute the present abolition movements. These movements, I do not doubt, are spurred on, if not secretly instigated, by those who have political objects to be effected by them. Never were men more mistaken than are that portion of the clergy in the Northern States who have embarked in this undertaking. At first these clergymen were countenanced by a portion of the people who had been accustomed to be guided by their teaching; but, within the last six months, nine tenths of even these have left them; and, as in other cases of unwise and improvident projects, the leaders are left nearly destitute of followers.

Within a few days I have received through the mail and abolition pamphlet, purporting to be the "first annual report of the Maine Anti-Slavery Society, held in Brunswick, October 28, 1835." Of eighteen resolutions passed by this society, I find that fifteen were made by gentlemen wearing the title of Reverend, and only three made by laymen. A resolution moved by one clergyman declares that "all Christian churches and ministers have something to do with it," (the abolition of slavery,) "as a great moral question." A second, by another clergyman, declares that "slavery is alike inconsistent with both natural and revealed religion," and "can never be defended or excused." A third resolution, moved by another clergyman, tauntingly declares that "we have liberated as many slaves as our opponents have educated." The last resolution, passed on motion of a deacon of a church, declares the society will attempt to raise two thousand dollars for the laudable purpose of keeping up the excitement another year in that State, where slavey does not exist. The last act is a prayer offered by one of the Reverends for the "blessing of God on the efforts" of the society, which then adjourned without day!

Now, sir, as much as I abhor the doings of weak or wicked men who are moving this abolition question at the North, I yet have not as bad an opinion of them as I have of some others who are attempting to make of these puerile proceedings an object of alarm to the whole South.

Of all the vehicles, tracts, pamphlets, and newspapers, printed and circulated by the abolitionists, there is no ten or twenty of them that have contributed so much to the excitement as a single newspaper printed in this city. I need not name this paper, when I inform you that for the last five years it has been laboring to produce a Northern and a Southern party; to fan the flame of sectional prejudice; to open wider the breach, to drive harder the wedge, which shall divide the North from the South. It is the newspaper which in 1831-'2 strove to create that state of things in relation to the tariff which would produce inevitable collision between the two sections of the country, and which urged to that crisis in South Carolina, terminating in her deep disgrace—

[Mr. CALHOUN here interrupted Mr. HILL, and called him to order. Mr. H. took his seat, and Mr. HUBBARD (being in the chair) decided that the remarks of Mr. H. did not impugn the motives of any man; they were only descriptive of the effects of certain proceedings upon the State of South Carolina; and that he was not out of order.]

Mr. HILL resumed. It is the newspaper which condemns or ridicules the well-meant efforts of an officer of the Government to stop the circulation of incendiary publications in the slaveholding States, and which designedly magnifies the number and the efforts of the Northern abolitionists. It is the newspaper which libels the whole North, by representing the almost united people of that region to be insincere in their efforts to prevent the mischief of a few fanatical and misguided persons who are engaged in the abolition cause.

I have before me a copy of this newspaper, (the United States Telegraph,) filled to the brim with the exciting subject. It contains, among other things, a speech of an honorable Senator, [Mr. LEIGH, of Virginia,] which I shall not be surprised soon to learn has been issued by thousands and tens of thousands from the abolition mint at New York, for circulation in the South. Surely the honorable Senator's speech containing that part of the Channing pamphlet, is most likely to move the Southern slaves to a servile war, at the same time the Channing extracts and the speech itself are most admirably calculated to awaken the fears or arouse the indignation of their masters. The circulation of such a speech will effect the object of the abolitionsts without trenching upon their funds. Let the agitation be kept up in Congress, and let this newspaper be extensively circulated in the South, filled with such speeches and such extracts as this exhibits, and little will be left for the Northern abolitionists to do. They need do no more than send in their petitions: the late printer of the Senate and his friends in Congress will create enough of excitement to effect every object of those who direct the movements of the abolitionists.

Within a few days there has been introduced into this body a *lusus naturæ*, an animal with two heads, in the shape of a report, laboring to prove that Congress has no right to pass laws which shall prevent the circulation, through the mail, of incendiary publications, and, at the same time, presenting a bill for the sanction of the Senate, which makes it a crime for the officers of the Post Office to suffer these publications to pass through their offices. This report, this monster, whose paternity is disavowed by a majority of the committee which creates it, comes to us in such a "questionable shape" that I will speak of it. Had it not become a habit of this body to yield much to courtesy, to certain Senators of the majority, I would say that the monster comes here entirely out of order. It is, however, so great a favorite, that while the Senate can order no more than three thousand extra copies of a message of the President of the United States, highly interesting to the people of the country at the moment, five thousand extra copies are instantly ordered of this document, disavowed and disclaimed by a majority of the committee reporting it! The printing of these five thousand copies, if Senators will circulate and frank them, will save the abolition society at New York the expense of furnishing, and those who receive them the expense of postage. A better document for the agitators could not go forth, than this same two-headed monster. If the bill should become a law before the report is circulated, the poor postmasters, through whose hands it shall pass, may consider it of little advantage to them that they are of the forty thousand "parasites of executive power," whose names are printed in the Blue Book. The chairman of the committee [Mr. Calhoun] will find his last bill much more effectual in driving postmasters out of office than any bill he can devise to protect men in office from responsibility to the Chief Magistrate of the United States. It will look well for this body to pass a law punishing postmasters for suffering that to go through the mail, which Senators themselves introduce to be read in this body, and circulated through the country in their speeches.

The honorable Senator from South Carolina [Mr. Calhoun] has introduced a certain newspaper, published at Utica, in the State of New York, favoring the abolition cause. This newspaper he states as recommending certain candidates (Martin Van Buren and Richard M. Johnson) for President and Vice President. He did not inform us whether the newspaper was printed last month or last year; nor did he inform us that the array of presidential candidates was intended to be a most gross imposition upon the people of the South. The authors of that newspaper, I do not doubt, sent it here to be used for the precise purpose it has been used; they placed the names of Van Buren and Johnson at the head of their columns, knowing that they might injure them more effectually by seeming to be their friends than by openly opposing them. The authors and abetters of that newspaper are known, and they are known to be not less decided enemies to the candidates named than the Senator from South Carolina himself. Since the Senator has chosen to cast the reproach on the friends of the nominations of Van Buren and Johnson, of being favorable to the abolition cause—a reproach that is not less unjust than indicative of the true cause of the determination to discuss this abolition question in Congress—I will inform that Senator and the whole South, that, in the State of New Hampshire, there is not, within the compass of my knowledge, a solitary individual in favor of the nominations alluded to, who is not as decidedly opposed to the present abetters of the anti-slavery cause in New England. The primary meetings preparatory to the annual election are now being held in that State. Ever since 1829, the opposition of every name has been beaten at each election; and it so happens that, for the coming election, they have not, as yet, chosen to offer us battle; they show no symptoms, either of organization or concentration.

The Hillsborough council district, being about a fifth of the State, held its convention on the 7th day of January. This district has steadily adhered to the principles of the democratic party, through evil report and through good report, from the commencement of Jefferson's administration to the present moment. Eighty delegates, coming from nearly every township of the district, and elected by the citizens of the several towns, attended this convention. These delegates unanimously passed resolutions approving the nominations of Van Buren and Johnson, and they unanimously passed the three following resolutions:

"*Resolved,* That the relation of master and slave is a matter exclusively within the regulation of the States in which it exists, and that any interference by the inhabitants of other States in regard to it is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together.

"*Resolved,* That those who promote inflammatory discussions, and are guilty of disseminating among the slaves of the South publications the tendency of which is to excite insurrection, are regarded by us as persons prompted by the most reckless wickedness, or by an insane fanaticism fully as mischievous in its consequences.

"*Resolved,* That we advert with the deepest regret to the fact that some individuals of the clerical order in this State have made their pulpits the source of exciting appeals and virulent denunciations on the subject of slavery; that we consider all interference from the sacred desk, in political questions, as aside from the sphere of the duties of clergymen; and that we view those clergymen who countenance the proceedings of the abolitionists, and indulge in such appeals and denunciations, as pursuing a course hostile to our Union and to the cause of civil liberty, and contrary to the true spirit of the gospel of peace."

Stafford county convention, of more than sixty delegates from about thirty townships, on the 18th of January, unanimously passed a resolution in favor of the same candidates for President and Vice President, and the following:

"*Resolved,* That we have no fellowship whatever with Northern abolitionists—a set of deluded individuals, deserving rather of pity than contempt."

Grafton and Coos convention, on the 27th of January, with about the same number of delegates, approved the same nominations, and unanimously

"*Resolved,* That anti-slavery, as acted out by its present supporters, is fit employment only for such as have no business of their own, and wish to interfere with the affairs of their neighbors. Should its advocates expect to ride into office by practising such wild delusion, they will, ere long, discover their mistake."

Sullivan county (a part of the old Cheshire council district) on the 20th of January, by delegates from nearly every township, unanimously declares for the same presidential candidates, and passes the following preamble and resolutions:

"Whereas much excitement has prevailed in this State, in relation to the existence of slavery in the Southern portion of the Union: And whereas, in the opinion of this convention, the constitution of the United States reserves to the slaveholding States the original right to the exclusive control of the servile portion of their population: And whereas the present excitement in the Northern States, got up by fanaticism and morbid philanthropy, and based upon an ignorance of the true condition of the slave, the character of the master, and of the relative rights and duties of the several members of the confederacy, has been seized upon by wicked and corrupt men, with a view to divide the democracy of the North and South, and sever the union of the States: And whereas, in our belief, the course of the abolitionists, if persisted in, will lead to a dissolution of the confederacy and its attendant calamities, a servile and civil war: Therefore,

"*Resolved,* That we view every abolitionist as an enemy to his country, to the union of the States, and the integrity of the democratic party.

"*Resolved,* That it is the duty of the democracy to discountenance and check, by all proper means, the prosecution of the plans and schemes of the abolitionists.

"*Resolved,* That, if Congress possess the constitutional power, it is inexpedient to abolish slavery in the District of Columbia."

Rockingham district, by delegates from its several towns, on the 28th of January, passed the following resolution, in addition to resolutions in favor of Martin Van Buren and Richard M. Johnson:

"*Resolved,* That we view with deep concern and regret the recent exertions of a few fanatics to disturb the harmony and peace of the Union, by their unconstitutional and illegal attack upon the rights and independence of the other States, by an unjustifiable interference with their domestic institutions of 'slavery.'"

At another collection of democratic citizens, friends of the administration, from fourteen different towns in another part of the State, met for the purpose of celebrating the glorious 8th of January, besides other strong indications in toasts in disapprobation of a certain abolition teacher under foreign pay, who had accompanied the renegade Thompson in his futile attempts to hold meetings, the following resolution was unanimously passed:

"*Resolved,* That we view with the highest disapprobation the avowed principles of certain individuals of the abolition and nullification parties; that the violent doctrines of the first serve only to irritate the feelings, but not to convince the conscience, of the master, and consequently to increase the severity, but not to ameliorate the condition of the slave; that the latter party is now only sustained and held together by the fanatical proceedings of the former—both openly avowing their readiness for the dissolution of the Union, thus proving themselves to be twin sisters, and closely allied to their unholy progenitor, the infamous Hartford Convention."

Still further, Mr. President, there is a town of New Hampshire (Barnstead) which has given in both the last elections a majority of more than three hundred for electors friendly to Andrew Jackson, out of less than four hundred votes cast. That town, at a meeting of its democratic citizens on the 9th of January, passed resolutions unanimously approving of the nominations before named, and also the following:

"*Resolved,* That those foreign emissaries and domestic fanatics who profess so much sympathy for the poor blacks, by their pathetic appeals to our brethren of the South, on the subject of slavery, are sapping the foundation of our liberty, and would gladly sever our happy Union.

"*Resolved,* That all legal measures for the suppression of unconstitutional interference by agents or incendiary publications among Southern slaves will meet our entire approbation.

"*Resolved,* That what we most abhor among abolitionists is their attempts to introduce the blacks into the society of whites, having even dared to admit them as fit associates and companions of our youth in schools and domestic intercourse; may all such meet the fate of the Canaan academy.

"*Resolved,* That we despise no human being for the form of his features or the color of his skin; but, in our opinion of the African race, their intellect is too feeble, their passions too strong, and their dispositions too irritable, to encourage their immediate emancipation in this country.

"*Resolved,* That we deplore the existence of slavery and the slave trade, yet we do not claim all the morals nor all the religion in the country; but, though the evil does not exist in our own State, we set so high a value upon our Union as to concede to the several States their constitutional rights, leaving them to manage their own internal affairs and regulate their own morals."

These resolutions (resumed Mr. HILL) are from a community of respectable and intelligent farmers, as hardy as the face of the granite hills they inhabit, as ready to take up arms in their country's defence as they are to vote down the men of any party who take ground against that country—from a community who have not sufficient contention among themselves to give support and business to a single village lawyer.

The intelligent yeomanry who passed those plain, common-sense resolutions, understand what duties the people owe to each other and to the States of this Union quite as well as those who split hairs, and carry on a labored argument, at either end of the Capitol, to prove that Congress has not a right to interfere with slavery in the District of Columbia. On the one hand, a gentleman [Mr. LEIGH, of Va.] is applauded for his most conclusive speech, proving beyond a doubt that Congress cannot legislate on the subject of slavery; and, in a trice, another learned and able gentleman, [Mr. HOAR, of Mass.,] in another hall, is complimented, perhaps by the same persons, who equally admire the talents and the principles of both speakers, with having demonstrated beond all question that Congress has a right to abolish slavery in this District! Both the gentlemen belong to a party that can agree to disagree whenever and wherever it may be necessary. The object now is to keep the ball of contention moving between the North and the South; and no other course the two gentlemen can take will so effectually encourage the abolitionists on the one side, and arouse the slaveholder on the other. The people are aroused; the seeds of disunion are strewed in new ground; an inveterate sectional distrust takes deeper root; and our congressional orators obtain a high reputation with all such as would make our constitution mean anything or nothing. They are little less than "godlike" in their masterly expositions of the constitution; an instrument so plain to common sense, before they had touched it, that he who runs may read and rightly understand!

Besides the strong and unanimous expressions by public meetings of friends of the administration, I have numerous letters from New Hampshire declaring the public sentiment. One letter says:

"Abolition here is at its lowest possible ebb. Not a dog attempts to move his tongue. I can recollect no political question that has ever been before the people that has been so completely put down. All parties, classes, ages, and sexes, hold the abolitionists in the most utter contempt. I observe that it is insinuated by certain politicians in Congress, that these professions of the people of the non-slaveholding States are not sincere—that they dare not toe the mark. Now, let those gentlemen come here, and they will find a people as hostile to disturbing the slave question as the people of the slaveholding States can possibly be. Our people consider this a question about which they have nothing to do, other than as a member of the confederacy to contend that the just rights of each and every State shall be guarantied to them; and I am of opinion that Congress have no more right to interfere with slavery in the District of Columbia than they have in any of the States."

Another letter says:

"The leading feature on which the times hinge (to use one of Lord Castlereagh's metaphors) seems to be a design of the nullifiers and opposition men of all sorts to agitate the slavery question, in order to produce a sectional division on the presidential election, and, it would appear, with a design, in some of them, eventually to produce a dissolution of the Union. There is nothing that could so effectually conduce to that end as a disregard in the South of all the efforts of the friends of the country at the North to preserve in their integrity Southern rights. The attempt to excite the feelings of the South, in order to induce them to contend against and put down the democracy of the North, is so base that it cannot be spoken of except with feelings of indignation.

* * * * * * *

"The democracy of the North are strenuously contending for the rights of the South. What can so effectually discourage them in their exertions as for the South to disregard all their efforts, and not only so, but to repay them with injury and contumely? To say that a man belongs to the democratic party, and is an abolitionist, is in New Hampshire a contradiction in terms. If a person should avow himself an abolitionist, we should read him out of our political church, and turn him over to Arthur Tappan and the nullifiers. But there would be no necessity for this; for if, perchance, a person becomes tainted with abolitionism, he at once leaves the democratic party. There is no one sentiment in which our party in this State are so thoroughly united as in detestation of abolition and of the proceedings of the abolitionists. There is no exception within my knowledge."

The session of Congress two years ago will be long remembered as the panic session. We have had repeated attempts to create panics, and I consider the present efforts to create an excitement on the subject of the slave question as one of them. I do not believe the agitators of the North would here present themselves with numerous petitions for abolishing slavery in the District of Columbia, if they did not feel assured that Southern men in Congress would lend their efforts to agitate the question. On the 4th of March, two years ago, while certain famed resolutions, afterwards passed by the Senate, were under debate, I called the attention of the Senate to the various excitements which had been moved for political effect, and I then made use of the following language:

"Another subject, more recently moved by the agitators, is the slave question. Accordingly, we find the agitators at the public meeting in South Carolina declaring to their followers, on public occasions, that there is a deliberate design, on the part of the people of the North, to drive the whole white population out of that country, to annihilate their property, and destroy their prosperity. The agitators of the North being, in nine cases out of ten, the same persons who have labored so zealously in the Indian agitation; these persons, reduced to almost nothing in point of numbers and influence, by the unmasking of their hypocrisy, act in perfect concert with the agitators of the South. They attempt to give color to their complaints, by calling meetings and delivering inflammatory addresses in various places; and they are attempting to operate on Congress by facsimile petitions in various parts, asking that slavery may be abolished in the District of Columbia. Of these agitators it suffices to say that, in the whole North, not one intelligent man in twenty will join their standard. The South has nothing to fear from their efforts, but in the effect they may have at a distance. These efforts are made to produce that distant effect, and they are every where formed against a general expression of scorn from the real friends of the Union."

Without intimating in the Senate, said Mr. H., that I had in view any particular individuals when these words were spoken two years ago, I claim the merit of having then predicted precisely the course that has been taken on this abolition question. I now see in both branches of Congress an apparent desire to magnify this subject, to keep the ball of contention in motion. From what quarter this intention comes, let the records of Congress speak.

The book of Doctor Channing has been introduced into the Senate. If the Doctor had written his book for gain, he could desire nothing better than this—he will now sell ten books where he would not otherwise have sold one. In my mind it is a doubtful question, whether it be more reprehensible to write such a book or to read it in the Senate of the United States. The Doctor's motive might have been good in the one case, and the Senator's motive might have been praiseworthy in the other. I confess I was shocked at the infatuation or the folly which would prompt any man to deliberately write what was here read; and if the direct effect of reading those extracts was to spread before the people of the South doctrines the most odious and disgusting; if the effect of spreading the nauseous paragraphs in that region be to excite the colored population to mutiny and murder; if the effect be to fan higher the flame of disunion, let those only be responsible on whom the blame lies. Doctor Channing's book is condemned by nineteen in every twenty intelligent citizens of the North, as is the agitation of the slavery question in Congress.

The present agitation in the North is kept up by the application of money; it is a state of things altogether forced. Agents are hired, disguised in the character of ministers of the gospel, to preach abolition of slavery where slavery does not exist; and presses are kept in constant employment to scatter abolition publications through the country. Deny the right of petition to the misguided men and women who are induced from no bad motive to petition for the abolition of slavery in the District of Columbia, and you do more to increase their numbers than will thousands of dollars paid to the emissaries who traverse the country to distribute abolition tracts and to spread abolition doctrines. Continue to debate abolition in either branch of Congress, and you more effectually subserve the incendiary views of the movers of abolition than any thing they can do for themselves. It may suit those who have been disappointed in all their political projects, to try what this subject of abolition will now avail them. Such men will be likely to find, in the end, that the people have too strong attachment for that happy Union, to which we owe all our prosperity and happiness, to be thrown from their propriety at every agitating blast which may be blown across the land.

Mr. CALHOUN said the Senator from New Hampshire could not expect him to reply to him. That Senator had availed himself of the position he occupied on that floor to indulge very freely in assailing the motives of others. He was persuaded that no Senator who had any respect for himself would stoop to notice any thing of this character which had fallen from him. For himself, he would as soon condescend to notice the mendacious and filthy columns of the Globe, as to notice the general remarks of the Senator from New Hampshire. That Senator had, however, stated what purported to be a fact, that the abolition excitement in New Hampshire was entirely extinct. But here was a statement of facts in relation to what that gentleman said of the abolition question in New Hampshire. It was found in a publication coming from one of the incendiary publications in that State, and he would lay it before the Senate, in order that it might judge for itself. He would not institute a comparison between the relative degree of veracity in the statement contained in this paper and the one made by the Senator from New Hampshire. He would lay the paper before the Senate, in order that it might judge of the truth as to the abolition spirit in New Hampshire. It was a paper that had been sent to him through the mail, but he did not know from what quarter it came.

[Mr. C. here handed to the Secretary a newspaper containing an article impugning a statement made by Mr. Pierce, of New Hampshire, in the House of Representatives, as to the number of abolitionists in his State, with severe strictures on the state of slavery in the South; said article stating that a great number of petitions in favor of the abolition of slavery in the District of Columbia would be forwarded to Congress from New Hampshire.]

The paper having been read,

Mr. HILL inquired the title of it.

[The Secretary answered, "The Herald of Freedom," published at Concord, New Hampshire.]

Mr. H. said he was aware that such a paper was there printed, and it was upon the sufferance of an enlightened community, who adopted and practised the doctrine of Mr. Jefferson, that "error of opinion may be tolerated, where reason is left free to combat it." This paper was there printed, but it could not be said to be there circulated; those engaged in it were ashamed to circulate it in its own neighborhood. It was especially intended for a foreign market, and was supported from foreign funds and from distant contributions; whether derived from South Carolina or from some other quarter, others knew better than he did. A friend who had been grossly abused in the same paper (said Mr. H.) had sent him a single number, not that which had just been read by the Secretary, as requested by the Senator from South Carolina, and this was the only number of the Herald he had seen at Washington. This number contained a speech of the same honorable Senator on the subject of abolition, which was published without comment, and was evidence that such speeches were the best matter for abolitionists. He thought the Senate was well employed listening to the reading of disgusting extracts here, for the purpose of impugning the statements of a member of the House of Representatives, who could not be present to defend himself. That Representative [Mr. PIERCE, of New Hampshire] was capable of defending himself in this or any other theatre, even against the Senator from South Carolina, who has caused the disgusting exhibition of reading the extracts.

The petitions spoken of in that paper do not correctly represent the state of public feeling in New Hampshire. They were, so far as he had information, signed in most instances by women and children, many of whom were utterly ignorant of the intent of sending them here. No petition from that State had been yet presented. When they are presented, it may be in better time to magnify their importance. The Senator from South Carolina seems anxious to make the number large; in this anxiety he but verifies what he (Mr. H.) had stated to be the object of keeping up the excitement on the floor of Congress.

Mr. H. said he had nothing to say as to the standing of the Senator from South Carolina on this floor; he believed each and every Senator stood here on the ground of perfect equality. The taunting remark of the Senator relative to himself, applied not to him, but to his constituents, to the freemen who sent him here, and who were not to be disparaged for intelligence and patriotism by any invidious comparison with the constituents of the Senator from South Carolina. One thing he would say, and that was, that great as were the disgust and contempt felt by the Senator from South Corolina for him, they could not exceed the contempt and disgust felt for that Senator in the State of New Hampshire and in all the North.

Mr. HUBBARD (who was in the chair) asked the indulgence of the Senate to submit a few remarks. He felt as if an apology was due from him to the Senate, for not having checked the reading of the paragraphs from the newspaper which had just been read by the Secretary. He was wholly ignorant of the contents of the paper, and could not have anticipated the purport of the article which the Senator from South Carolina had requested the Secretary to read. He understood the Senator to say that he wished the paper to be read, to show that the statement made by the Senator from New Hampshire, as to the feelings and sentiments of the people of that State upon the subject of the abolition of slavery, were not correct. It certainly would have been out of order for any Senator to have alluded to the remarks made by a member of the House of Representatives in debate; and, in his judgment, it was equally out of order to permit paragraphs from a newspaper to be read in the Senate, which went to impugn the course of any member of the other House; and he should not have permitted the paper to have been read, without the direction of the Senate, if he had been aware of the character of the article.

Mr. CALHOUN said he was entitled to the floor, and objected to being interrupted by the Chair.

[Mr. HUBBARD replied, he had said all he wished to say. The Senator was entitled to the floor, and could proceed if he wished.]

Mr. CALHOUN continued. He knew nothing of the paper just presented. He had seen it for the first time that morning, and had presented it to the Senate for no other purpose than to show from another quarter the state of the abolition spirit in New Hampshire. He knew the gentleman [Mr. PIERCE] who was assailed in that paper, and was ready to bear testimony to his worth and high standing. He meant no disrespect to him. He had presented the paper because it was important that the real state of things should be known. It was due from gentleman of the North to those of the South, to give correct information. He did not call those friends of the South who would disguise the state of things at the North. He believed as yet that the real number of abolitionists was small; but he also believed that the number of those who contemplated ultimate abolition was very great; and that those ardent addresses in favor of liberty, so constantly made at the North, must have a deep effect on the young and rising generation. The spirit of abolition was not to be trifled with. It had had its bad effect on one of the most powerful Governments of Europe, and ended disastrously to its colonial possessions. It was commencing in the same manner here, and must be met at once with the most decided resistance. He repeated that he had the greatest respect for the member from New Hampshire mentioned in the paper just read; and he took pleasure in bearing testimony to his high standing and moral worth. He had only presented the paper to show the state of things in New Hampshire, and that the Senate might judge whether the abolition spirit was subsiding there.

Mr. BUCHANAN said he did not rise to enter into the debate at present. He wished merely to advert to a mistake, which seemed to be almost universal, in regard to the motion which he had made. He had not moved to reject this petition. His motion was to reject the prayer of the memorialists, and thus to decide promptly that slavery ought not to be abolished within the District of Columbia. He had made the strongest motion he could make, consistently with the right of petition, and the respect due to these petitioners. He might have moved a reference of the memorial to a committee; but he was prepared, at once, and without any report from a committee, to vote for rejecting the prayer of the petitioners. He believed that the Senate had not the power to refuse to receive the petition. He would, some time in the course of this debate, express his opinion at some length on this subject.

Mr. BENTON rose to say a word on the subject of Mr. PIERCE, the member of the House of Representatives from New Hampshire, whose statements in the House of Representatives had been contradicted in the newspaper article read at the Secretary's table. He had the pleasure of an intimate acquaintance with that gentleman, and the highest respect for him, both on his account and that of his venerable and patriotic father, who was lately Governor of New Hampshire. It had so happened (Mr. B. said) that in the very moment of the reading of this article, the member of the House of Representatives, whose statement it did contradict, was coming into the Senate chamber, and his whitening countenance showed the deep emotion excited in his bosom. The statement which that gentleman had made in the House was in the highest degree consolatory and agreeable to the people of the slaveholding States. He had said that not one in five hundred in his State was in favor of the abolitionists; an expression understood by every body, not as an arithmetical proposition worked out by figures, but as a strong mode of declaring that these abolitionists were few in number. In that sense it was understood, and was a most welcome and agreeable piece of information to the people of the slaveholding States. The newspaper article contradicts him, and vaunts the number of the abolitionists, and the numerous signers to their petition. Now (said Mr. B.) the member of the House of Representatives [Mr. Pierce] has this moment informed me that he knows nothing of these petitions, and knows nothing to change his opinion as to the small number of abolitionists in his State. Mr. B. thought, therefore, that his statement ought not to be considered as discredited by the newspaper publication; and he, for one, should still give faith to his opinion.

Mr. B. then took up the bill reported by the select committee on incendiary publications, and read the section which forbade their transmission by mail, and subjected the postmasters to fine and loss of office, who would put them up for transmission; and wished to know whether this incendiary publication, which had been read at the Secretary's table, would be included in the prohibition, after being so read, and thus becoming a part of our debates? As a publication in New Hampshire, it was clearly forbid; as part of our congressional proceedings would it still be forbid? There was a difficulty in this, he said, take it either way. If it could still be inculcated from this floor, then the prohibition in the bill was mere child's play; if it could not, and all the city papers which contained it were to be stopped, then the other congressional proceedings in the same paper would be stopped also, and thus the people would be prevented from knowing what their representatives were doing. It seemed to him to be but lame work to stop incendiary publications in the villages where they were printed, and then to circulate them from this chamber among the proceedings of Congress; and that, issuing from this centre, and spreading to all the points of the circumference of this extended Union, one reading here would give it ten thousand times more notoriety and diffusion than the printing of it in the village could do. He concluded with expressing his wish that the reporters would not copy into their account of the debate the paper that was read. It was too offensive to the member of the House, [Mr. Pierce,] and would be too disagreeable to the people of the slaveholding States, to be entitled to a place in our debates, and to become a part of our congressional history, to be diffused over the country in the gazettes, and transmitted to posterity in the volumes of debates. He hoped they would all omit it.

On motion of Mr. BUCHANAN, it was ordered that when the Senate adjourns it adjourn to meet on Monday.

The Senate then adjourned.

Monday, February 15.

ADMISSION ON THE FLOOR OF THE SENATE.

The resolution laid on the table some time ago by Mr. Linn, to add certain public officers to the individuals privileged to come on the Senate floor, was amended by adding to the list the names of the assistant Postmasters General, the mayors of the cities of Washington, Georgetown, and Alexandria, and the Commissioner of the General Land Office.

Mr. GOLDSBOROUGH moved to add, "and those also who have been Governors of States;" which was negatived.

The resolution was then agreed to.

DOCUMENTARY HISTORY OF THE DISTRICT OF COLUMBIA.

The following resolution, offered by Mr. Southard, was taken up:

"*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized to cause to be collected, arranged, and printed, the documents connected with the cession of the District of Columbia to the United States, the purchase of the lands therein, by the Government, from the original proprietors; the adoption and execution of the plan of the city of Washington, and the erection of the public buildings therein; the laws passed by Congress in relation to said District; and all such papers of a public character as relate to the connexion of said District with the Government of the United States."

Mr. SOUTHARD spoke of the great importance of having those laws and documents comprised in one book, as matter of convenient reference, and for the information of the Senate, and of the great difficulty and inconvenience in finding them when they were wanted. He could not tell the amount of the expense the printing and compilation of the book would incur.

Mr. KING, of Georgia, opposed the resolution on the ground that it would impose upon the Secretary of the Senate a very great burden, which was not strictly within the line of his duty. He knew of no obligation resting on that officer to compile and superintend the printing of such a work. They had no reasonable idea or data of the expense of the publication. He did not like this legislating in the lump. It was an unusual mode of legislation. There was a provision of the constitution, that no money should be drawn from the treasury except by law. If this mode of taking money from the treasury was adopted, they might as well blot out that part of the constitution; or if it would be more likely to arouse the attention of his honorable friend from Missouri, [turning to Mr. Benton,] he would use the term "expunged." He adverted to the facility of obtaining the information embraced in these documents, by applying at the different offices in the Capitol. He moved that it be referred to a committee, who could report whether such a publication was necessary, and, if so, the probable expense.

Mr. SOUTHARD believed that committee did not know what documents were wanted. He presumed there were not three Senators in that body who knew what documents were wanted. It was to him most unaccountable that Congress should be the sole Legislature of the District of Columbia, without having a compilation of the laws relating to it. These acts were small in number, but were scattered over the acts of Congress for many years. At the last session, some of the acts could only be found among the secret files of the Government. They were solemnly bound to know the relation in which these acts placed them towards the District. He spoke of a book containing a code of laws which the Senator from Missouri thought worthy of a place among the laws of the District. He (Mr. S.) wanted these laws for his own information, as well as for the information of the people. They ought not to pass laws as despots and tyrants. Three, four, or five thousand dollars, with an overflowing treasury, was no objection, compared with the importance of the object. If it were some favorite document from the Executive, there would be no difficulty in getting it printed. The object he had in view was what he had stated, and no other. He had no objection to the alteration of the resolution in point of form. He did not stand on matters of form.

It was not his intention, in offering the resolution, to compel the Secretary of the Senate to attend to it in person. The words in the resolution were, that he should cause it to be done. A duty had been imposed on him in another case, which would measurably qualify him for this. He had designated the Secretary of the Senate, because he believed that gentleman had the intelligence and the economy, with his knowledge of the subject, to secure to them the publication of the work in a style that would make it useful and valuable. Any calculation as to the expense must be uncertain. The country ought to have that document in its hands. This was the residence of the Government, and many of these documents were the acts of General Washington, and could not now be found in print.

Mr. WRIGHT enumerated various documents that would be embraced by the resolution, and among others the reports from committees in relation to the District of Columbia, many of which would be useless at this time, and it was the same way with many of the laws. He thought the resolution ought to go to the committee, to report such only as were useful to Congress.

Mr. BLACK would cheerfuly vote for the resolution if he could see the benefit of it. He would ask if the resolution did not embrace reports made and bills reported that had never been passed into laws; and if so, whether any estimate has been made of the number of volumes it would make. He remembered they got into a difficulty a year or two ago in ordering printing in a case similar to this, which had been swelled to some one hundred and fifty volumes. Under this resolution he should consider laws, merely drawn up and never passed, were to form a part of the work, and there was no estimating what it would cost. That would rest entirely on whoever superintended it. He knew of no such projects in the several States. He was entirely opposed to this whole project. He thought the lesson they had received about two years since in printing documents, was enough to put them on their guard.

Mr. KING, of Georgia, then moved to refer the resolution to the Committee on the Contingent Expenses of the Senate, with instructions to ascertain and report the documents that would be required under the resolution to be printed, and the probable expense of executing the resolution. He was himself inclined to believe that the printing required to be done by the resolution would exceed twenty volumes as it was.

Mr. BENTON spoke against these resolutions for printing, by which tens and hundreds of thousands went out of the treasury, without any appropriation made by law, but by mere resolutions, read once and passed, and then charged upon the contingent fund. He specified many instances, and objected to these resolutions as being against the positive rules of the Senate, which he read, and which required the resolutions which took money out of the contingent fund to undergo all the forms of a bill; to be introduced on notice and leave; to be read three times, &c., and clearly discriminated them from the mere motions to do the current business of the Senate. These responsibilities (said Mr. B.) have heretofore been attached to our opponents, but we are so near a majority now that some responsibility begins to attach to us.

Mr. SOUTHARD meant to pursue this subject till the Senate would say, by a direct vote, that they either would or would not sanction the publication. He was disposed to adopt the course suggested by the Senator from Georgia, [Mr. KING.]

He had had no idea he was offering a resolution of such magnitude, in which was involved hundreds of thousands of dollars, capitulations at midnight, and the labor of the Secretary of the Senate. He hoped the Secretary would survive it. His sympathies were aroused for our poor Secretary. But, seriously, if he (the Secretary) had to cause this printing to be done, very little labor would devolve on him. The expense of printing the documents comprising a history of all the old States of the confederacy had been referred to. He thought the printing of the documents relating to this little ten miles square would hardly be confounded with that work. Did not the imagination of Senators carry them beyond the true state of the case? He had no idea when he offered this simple resolution that it would have engendered a discussion about squandering millions of the money of the country. If the committee had made an inquiry on the subject, and embraced these documents in their report, and asked the printing of them as a part of their report, it would then have become perfectly legal, and the objections to its legality would be entirely removed. The responsibility did not rest on the one side or the other of the Senate; it rested on all. He hoped the motion of the Senator from Georgia [Mr. KING] would prevail.

Mr. KING'S amendment was then agreed to.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

The Senate proceeded to consider the petition from the Society of Friends in Pennsylvania, praying for the abolition of slavery in the District of Columbia.

Mr. TALLMADGE said he was one of those who believed that all discussion on this exciting subject was ill-judged as well as ill-timed. Under other circumstances, he would be the last to take part in it. But, said he, from the shape in which the question is now presented, and from the manner in which it is pressed upon our consideration, I am unwilling to record my vote without a brief explanation of the views which govern me.

I regret, Mr. President, the necessity of the discussion, because its natural tendency is to increase the agitation. The interests of the whole country require that it should cease. Excitement is the food on which abolition feeds: take this away, and it will die for want of sustenance. No one can view with more sincere regret nor with greater repugnance than I do the attempts of the abolitionists to disturb the peace and quiet of the country. Their efforts, however well intended on the part of some, are fraught with mischief, and on the part of others are characterized by a spirit of fanaticism which, if persisted in, may lead to consequences the most fatal to the peace and harmony of the Union. This spirit seems to be a part of the ultraism of the age; it is the same spirit that has shown itself in various excitements, which have, more or less, agitated the country within a few years past. I would by no means deny to many engaged in this ultraism of the day, honesty of purpose in the prosecution of their designs. There are others to whom I would not extend even this charity. But be their purposes what they may, they are equally productive of the most mischievous and injurious consequences. Their efforts, instead of alleviating the condition of the slave, tend to make it worse. The owners, feeling that their rights are invaded by these nefarious attempts to incite the slave to bloodshed and to murder, throw around them greater securities, and limit their indulgences within narrower bounds, than they were before accustomed to do. I do not say that it is the design of the great body of the abolitionists to excite the slaves to rebellion, and thereby produce all the horrors of a civil and servile war. But the tendency of their measures is to such results. And I have known instances where these awful consequences have been depicted; and the abolitionist has been asked if he could look upon them with composure, and without emotion, when he has answered, that he was pursuing what he believed his duty, and he left the consequences to God! Who can listen, without horror, to such foregone conclusions? What philanthropist can wish to see the blood of the master and the slave commingled in these desperate feuds? What patriot can wish to see the peace of the Union disturbed by the invasion of rights secured by the constitution, and which should be held inviolate as long as that sacred instrument stands?

In the hasty view which I have taken of this matter, I believe I speak the almost unanimous opinions of the North; I feel very sure that I do not mistake the public sentiment of the State of New York on this subject. And it is for the interests of the North, as well as the South, that these agitations should cease. It is to me a matter of deep regret that these petitions should be sent here. They have been sent, more or less, for years past. Congress has received them, but always refused any action upon them. They have either been laid on the table, or referred to a committee, and there been suffered to sleep, never again to be disturbed. There has been, heretofore, an almost entire unanimity in Congress in relation to them. Scarcely an individual in either House could be found who was willing, by agitating this question, to disturb the compromises of the constitution. After this course had been pursued for a series of years, it was to have been hoped that Congress would no longer be troubled with such unprofitable applications. In this, those who entertained this hope have been disappointed. The attack has been renewed, the petitions are again presented, and the question recurs, what shall be done with them? This brings us to the immediate subject of debate. The petition under consideration is from the Society of Friends. I take great pleasure in saying that this peaceable and quiet people are not abolitionists, in the modern acceptation of the term. An opposition to slavery is one of the principles of their society, and they have, from almost time immemorial, been in the habit of bearing their annual testimony against it. I am persuaded, from an intimate acquaintance with many of them, that they would deprecate any results, such as every man, conversant with the subject, believes would follow from the interference of Congress with it. They seem content to bear their testimony against slavery by presenting their petition here. They seem to look upon it as a religious duty. Having, in this way, discharged that duty, they leave to Congress to discharge its duty, in such manner as in its wisdom shall seem meet and proper. The language of this petition, it is conceded on all hands, is unexceptionable. There can be no objection, therefore, to receiving it on that account.

What, then, is the question which we are called upon to decide? It is, shall the petition be received? I regret that the Senator from South Carolina [MR. CALHOUN] has felt it his duty to make this motion. It were much better, in my judgment, that the petition should take the ordinary course; the course which has heretofore been pursued with them. The petition, however, has been presented; the motion has been made, and it becomes our duty to consider it. Although I regret the motion of the Senator from South Carolina, and think it unwise and ill-judged, still I most cheerfully accord to him, what I claim for myself in all my action here, purity of motive and honesty of purpose. At the same time, I cannot persuade myself that he has given to this subject that careful examination and reflection which its importance demands. It shall be my task, then, to examine the principle of the question before us. It involves two important considerations, namely: the right of the citizen to petition, and the obligation on Congress to receive his petition. To my mind the right and the obligation are correlative.

As to the right of petition. This has been deemed the inalienable right of every American citizen. Before the adoption of the constitution, he held it as a birthright from his English ancestors. Like the right of personal liberty, the right of personal security, and the right of private property, he has been in the habit of looking on the right of petition as an inherent and inalienable right. Centuries have elapsed since this right was first asserted as one of the privileges of English freemen. The contest was long and bloody between the prerogatives of the Crown and the immunities of the subject. These rights, which were deemed natural, inherent, and inalienable, were asserted and reasserted, affirmed and reaffirmed, by various statutes in different reigns, and were finally imbodied with the right of petition, in the far-famed "Declaration of Rights," which ended the dynasty of the Stuarts, and consummated the glorious revolution of 1688. By this it was established that every person had the right to petition the King or the Parliament for a redress of grievances; a right, not conferred, but confirmed, at that eventful period, and which has continued to the present day, unquestioned and unquestionable.

The Americans, as colonists of Great Britain, were entitled to these rights and privileges, and exercised them with that fearless independence that became the descendants of Englishmen. Many of the colonies at a very early day asserted them, by the most solemn legislative declarations; subsequently, but as early as 1765, "a convention of delegates from nine of the colonies assembled at New York, and made and published a declaration of rights, in which they insisted that the people of the colonies were entitled to all the inherent rights and liberties of English subjects."

But these rights and privileges were more solemnly established by the first continental Congress in 1774. This Congress adopted a declaration of rights, as their English ancestors had done before them, for the purpose of "asserting and vindicating their rights and liberties." They declared, amongst other things,

"That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights:

"That they are entitled to life, liberty, and property; and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

"That our ancestors, who first settled these colonies, were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities, of free and natural born subjects within the realm of England.

"That by such emigration they by no means forfeited, surrendered, or lost, any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them as their local and other circumstances enable them to exercise and enjoy.

"That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

"All and each of which the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered, or abridged, by any power whatever, without their own consent, by their representatives in their several Legislatures."

I have selected from this declaration some of the "great and fundamental principles of American liberty," so far as they are applicable to the question under consideration. It will be perceived that the right of petition is ranked with the right of life, liberty, and property—neither of which can be taken away, altered, or abridged, without consent, by any power whatever. The declaration of rights, in the reign of James II, which led to the Revolution of 1688, was but the prototype of the declaration of rights by the continental Congress, which resulted in the Revolution of 1776.

After the declaration of independence, and when the people of the several States began to adopt constitutions for their own separate government, this declaration of the old Congress formed the basis of the bills of rights which were adopted by most of the States. In this way the people of the respective States became entitled to all the rights, privileges, and immunities, which they enjoyed at the time of the continental Congress in 1774, when they were thus solemnly promulgated to the world, and continued to enjoy them to the time of the adoption of the constitution of the United States, and the organization of the Government under it in 1789. One of these rights and privileges, as we have seen, was the right of petition. Has it been taken away, altered, or abridged, by the adoption of the constitution? No, sir; so far from it that it would be deemed one of the fundamental principles of a republican Government, and to result from the very nature of our institutions. This would seem to follow, even if we could find no traces of this right during our revolutionary struggle. But when it is seen in every step of our progress, from colonial infancy to revolutionary manhood, and until the final establishment of our independence as a nation, who can doubt its existence at this time, and who can doubt the propriety of its exercise by every citizen of this republic?

So well was the right of petition understood by the people of the several States, and that it was a right which no power under heaven could take from them, that it never entered into the thoughts of those wise and pure patriots who formed the constitution to provide for it in that sacred instrument. These men were familiar with our colonial history. Many of them, probably most of them, had assisted, in some mode or other, either in the old Congress or in their respective States, to declare, in a solemn manner, those rights and privileges as belonging to every citizen, and which could not be taken from him. Well might they suppose, then, that there was no necessity for protecting such a right in the constitution. No one dreamed that it could ever be infringed upon, and no provision was made in relation to it. But the people were jealous of their rights. The union of independent sovereignties, for certain purposes, in one general Government, was, at best, an experiment; and the wisest could not foresee the extent of power which might be attempted to be exercised. Many objections were made by different States to the ratification of the constitution of the United States; and so scrupulous were many of them that they would not simply ratify, but they accompanied their ratification by a declaration, or bill of rights, with which the constitution could not interfere, and also with certain proposed amendments, expressing the hope that the necessary measures would be forthwith taken, under the constitution, to have them adopted. The convention of the State of New York set forth the rights of the citizens at large, and with great particularity. Amongst others was the right to life, liberty, and property; and "that the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every person has the right to petition or apply to the Legislature for redress of grievances." The convention of New York also proposed many amendments to the constitution; and "declaring that the rights aforesaid (the right to petition, &c.) cannot be abridged or violated, and that the explanations aforesaid are consistent with the constitution, and in confidence that the amendment which shall have been proposed to the said constitution will receive an early and mature consideration," did assent to and ratify the said constitution. This convention sat at Poughkeepsie, the place of my present residence, and was composed of some of the most distinguished men of that or any other age—men who, in the cabinet or in the field, would not suffer in comparison with the sages and heroes of ancient or modern times; and I should feel that I was doing injustice, both to the place and to their memories, were I to pass over in silence so much assembled talent and wisdom; and if I did not attempt to maintain, at this time and on this occasion, a principle which they deemed of such vital importance to every American citizen. The constitution was thus ratified by the people of the several States, with these declarations of rights as a kind of condition or as part of the ratification.

What was the next step in putting into operation the new Government, and guarding the rights of a people jealous of their liberties? At the first session of the first Congress, in conformity to the wishes of the people, as expressed by their several conventions, Mr. Madison introduced certain propositions by way of amendments to the constitution. No one understood better than he what the constitution meant, what powers were granted by it to the general Government, and what rights were reserved to the people. He was aware of the jealousy that existed against it, and, on introducing his amendments, he said, "there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents and patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive?" He did not deem these amendments as essential in themselves; most of them being merely declaratory of the rights of the people, as they existed without them; but, said he, it would be "highly politic for the tranquillity of the public mind, and the stability of the Government, that we should offer something in the form I have proposed, to be incorporated in the system of Government, as a declaration of the rights of the people." Let it be remembered that Mr. Madison's propositions, as introduced, were the same in substance, and almost the same in language, with the amendments which were adopted, and which now form part of the constitution. Neither Mr. Madison, nor the convention of New York, supposed that an amendment, in regard to the right of petition, was necessary to grant to the people any new right, but merely to remove the jealousies against the new Government, by declaring, in that shape, a right which equally existed without such declaration. It is a remarkable fact, that so entirely were most of these amendments deemed mere declarations of rights, and not as granting any rights to the people which they did not already possess, but rather affirming and guarantying those with which they had never parted, that Mr. Madison incorporated the most of them from the declaration of rights by the New York convention, which accompanied the ratification of the constitution, and said, at the time of introducing them, that he offered them "as the declaration of the rights of the people."

What, then, is the amendment of the constitution in relation to the right of petition? It is this: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances;" or, divested of other matter, "Congress shall make no law abridging the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Such is the amendment, and such its history; from all which it most clearly appears that the right of petition belonged to the people at the time of the adoption of the constitution, and which could not be "abridged or violated;" that the amendment gave no new right, but was a mere declaration or recognition of a right which existed equally without it.

As to the obligation on Congress to receive the petition. What is that obligation? If it has been shown that the citizen has the right to petition, and which, I apprehend, cannot be doubted, then it follows that an obligation rests on Congress to receive such petition; for it is in vain to grant the right on the one hand, without incurring the obligation on the other: it being always understood that the petition be couched in respectful language towards the body to which it is presented, otherwise it would be rejected on the principle of self-preservation and self-protection which belongs to every legislative body.

It is objected, however, that not to receive the petition does not contravene that provision of the constitution which says, "Congress shall make no law abridging the right of the people peaceably to assemble and to petition the Government for a redress of grievances." To reject the petition, says the Senator from South Carolina, [Mr. Calhoun,] is not to make a law abridging the right, &c. But let me ask, let me put it to the candor and common sense of every man who hears me to say, wherein consists the difference between refusing to receive the petition, or making a law by which the citizen is prohibited from presenting it? Let any one point out the distinction—show me its practical operation. In both cases the right of petition is equally denied; and it matters little to the citizens by what means you have arrived at such a result. It is in vain to tell them you have made no law prohibiting the people from assembling and petitioning the Government for a redress of grievances, if, when their petition is presented, you refuse to receive it. I have already shown that the right of petition existed prior to the constitution, that it was parted with on its adoption, that it was perfect without any amendment of the constitution, and that such amendment was merely for greater caution and to satisfy the jealousy of the people, and was considered as a mere declaration of an existing right. The language of the amendment is the language of prohibition to Congress, and not the granting of a right; because Congress had no power to grant it. The people had never parted with it, but merely, in this way, prohibited Congress from interfering with a right which already existed. There was no necessity of such a prohibition. If this amendment had never been adopted, there is no doubt of the perfect right of the citizen to petition, and the duty of Congress to receive his petition. How, then, can the amendment, which was intended, not to make the right more perfect, but more secure, be interposed to defeat if not to destroy it? How can we say to the citizen, true, you have a right to petition, and Congress cannot abridge that right; but inasmuch as we have made no law prohibiting its exercise, we have the right to refuse to receive your petition? The result is the same in either case. It is a denial of the right. And however much such reasoning may accord with the metaphysics of those who advance it, the practical common sense of the whole nation will reject it.

If Congress should pass a law that petitions on the subject of slavery should not be received, it is manifest that, under such a law, such a petition as the one now under consideration would be rejected. But all will agree such a law would be unconstitutional, because Congress is prohibited from making it; and Congress was so prohibited, because it was the right of the citizen, with which no power could interfere, but with his consent. Would it not, then, be equally unconstitutional to reject the petition, when there is no law on the subject? In short, if it be the constitutional right of the citizen to petition, it is equally the duty of Congress to receive his petition.

But it is said by the Senator from South Carolina, [Mr. Calhoun,] they must petition for a redress of grievances; and that they are not aggrieved by the existence of slavery in the Dictrict of Columbia, and therefore have no right to petition. I will not stop to inquire how far a citizen of one of the States of this Union may be interested in what he deems the prosperity of this District; nor how that prosperity may be best promoted; nor how far the condition of the inhabitants of this District may have a moral influence on the whole Union; but I will test the matter of grievances in another way. Grievances, so far as the right of petition is concerned, are to be judged of by the petitioner himself. No power can prescribe rules by which he is to judge of them, and to which his petition must conform. You cannot lay him on the bed of Procrustes, and stretch out or lop off his views, in order to conform them to your standard. He must have his own standard, and with which no one must interfere, else his petition is not for the redress of those grievances which he feels. His grievances may be imaginary, or they may be real. In either case, the right of petition is the same; though they may seem to others to be imaginary, still to the petitioner they appear real. Of this he must be the sole judge, so far as the right to ask redress is concerned; but, so far as redress ought to be granted, that is to be judged of by those to whom the petition is addressed. They have the sole power of determining whether his grievances are real, and such as ought to be redressed. As they cannot lay down to him the rules by which he is to be governed in asking, so neither can he prescribe to them regulations by which the redress is to be granted. If the right of citizens be not such as I have described them, where is the propriety of permitting them peaceably to assemble and consult of their grievances, if, on such consultation they are not to be the judges of them, so far as the right to petition for redress is concerned? The right to petition is a right which exists at the time of making the petition, and before it is presented. If the right existed before it is presented, then Congress cannot refuse to receive it when it is presented. After it is received, then the petitioner can no longer determine as to his grievances, which may have been imaginary, but Congress is left to judge whether they are real. If not, they will reject his prayer, but not his petition.

Let us illustrate this right by some examples. Let us suppose that the citizens of South Carolina should petition Congress to pay off the debt of the District. Would this be a grievance, whether real or imaginary, for a redress of which they would have a right to petition? On the other hand, suppose the citizens of any State should petition Congress on this subject, by way of remonstrance against the appropriation of the funds of the Government to any such purpose. In either case, would Congress refuse to receive the petition? Certainly not. And, at the same time, it will be perceived that the grievances for which redress is asked are of a diametrically opposite character; and if the prayer of the petition be granted in the one case, it must be denied in the other.

Again, suppose some of the numerous and respectable citizens of the North, who are opposed to the abolitionists, should petition Congress not to interfere with the question of slavery in the District of Columbia; would not their petition be received? There can be no doubt of it. A petition of that character was presented, a few days since, by the Senator from Pennsylvania, [Mr. Buchanan,] and received without objection, and ordered to be printed. But, when one is presented on the other side, we are gravely told that it is out of order, and cannot be received. Wherein consists the difference, in principle, so far as the reception of the petitions is concerned? I can see none. And this illustration also shows that the petitioners must be the sole judges of their grievances; for they are the antipodes of each other; and if their grievances are redressed in one case, they must go unredressed in the other.

It is objected, by the same Senator, that Congress has no constitutional power to abolish slavery in the District of Columbia, and, therefore, the petition ought not to be received. This conclusion is drawn from assumed premises. I do not intend, on this occasion, to enter into the constitutional argument; I have sufficient grounds for the vote I shall give, without reference to that question. I will simply remark, in passing, that if it be seriously contended, as it seems to be, that Congress has not the power, then there are, at least, two sides to the question. It is, to say the least of it, a matter on which public opinion is divided. Shall we, then, undertake to reject petitions on this, or any other subject, where there is such a diversity of opinion as to the constitutional power of Congress to entertain them. Shall we undertake to settle, on the very threshold, on the question of receiving a petition, some of the most important powers of this Government? To what would it lead? How may cases are there, where there exists a diversity of opinion as to the constitutional power of Congress over the subject-matter? On all such subjects, would you refuse to receive petitions because, forsooth, we are unable to think alike on constitutional questions? Would not the Senator from South Carolina receive a petition for the establishment of a national bank?

I trust he would, appreciating, as he does, the importance of such an institution; and still the constitutionality of such a bank has been contested from the very organization of the Government down to the present time. Would the Senator refuse to receive a petition for a protective tariff? I take it for granted he would, on the same principle that he objects to this, namely, its unconstitutionality in his judgment; and yet the constitutionality of such a measure is deemed by many better settled than the Senator himself can possibly believe to be settled the constitutionality of a national bank. Examples might be multiplied, to any desired extent, to show the utter absurdity of the position, that a petition should not be received, when any man or set of men believe that Congress have no constitutional power to grant its prayer. The petitioner is presumed not always to be the best judge of such powers of Government. He should be presumed to pray for none other than a constitutional redress of grievances. He judges, in the first instance, as to his own grievances. Congress receives his petition, and determines, first, whether they require redress; and, second, whether it has the constitutional power to redress them; and whether it has or has not, the petitioner is to be presumed to have asked for nothing else. If he mistakes the constitutional power of Congress, it were better that his petition should be respectfully and kindly received, and the prayer rejected, because Congress has not the power to grant it. Such was the case with the petition of the society of Quakers in Pennsylvania and other States, and also with that of Benjamin Franklin, as president of the Pennsylvania Abolition Society, presented to the first Congress. They were received and duly considered, and Congress adopted the following resolution in relation to them.

"That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them, within any of the States, it remaining with the several States alone to provide any regulations therein, which humanity and true policy may require."

These two petitions were to abolish slavery in the States; they were presented in 1790. No question was raised about this District, because the seat of Government had not yet been removed here. But, in regard to the States, there could not be a more palpable case of the want of constitutional power than those petitions presented; and yet, neither Mr. Madison, nor other distinguished men of that Congress, thought of not receiving them, although they were, each of them, from a source well capable of judging in such matters.

But I do not deem it necessary to discuss, on this occasion, the constitutional power of Congress to abolish slavery in the District of Columbia. I regret that the constitution is not so explicit as to put at rest all doubt on this subject. I wish the power had been expressly reserved by the States of Virginia and Maryland in their cession, so that Congress could not interfere, any further than to keep pace with those States in their legislation in relation to this matter. On the ground of expediency, aside from any constitutional power, I have no hesitation in saying that Congress ought not to interfere in any other way. If the proposition were now, for the first time, to introduce slavery into the country, I trust there would scarcely be a difference of opinion on the subject; but no such proposition is or can be presented. If slavery be an evil, as it is deemed one by a large portion of this Union, it is an evil entailed upon us; we did not bring it upon ourselves. When we assumed the rank of independent States, we found it here. It was intimately interwoven and incorporated with our institutions. When we adopted the constitution, which forms the basis of our happy Union, we recognised slavery as an existing institution in the country, and it formed one of those compromises without which we could have never presented ourselves to the world as one independent nation. Those compromises are sacred. They must not, they cannot be interfered with without a violation, not only of public faith, but of private rights. Those States where slavery exists must judge of the time and manner of abolishing it, if it be abolished. They are best capable of judging of it, and until Virginia and Maryland, which ceded this District, move in this matter, I am unwilling to take the responsibility of meddling with it contrary to their wishes, and in opposition to the people of the District itself. The efforts which are now made, in reference to this District, are deemed by the slaveholding States as mere precursors of the assaults which are intended for themselves. No sincere lover of his country can look upon them without serious apprehension of danger to the peace and quiet of those States, and to the Union itself.

Entertaining these views, I am ready to receive this petition, and equally ready to reject its prayer. By receiving it we shall discharge our duty to the very respectable persons who have sent it here, and by rejecting its prayer we shall discharge our duty to ourselves and to the country. In the former case we deny no right belonging to the citizen—in the latter we do but exercise a right belonging to ourselves. When we have received the petition, we have granted to the citizen his constitutional right. He can ask no more of us as a matter of right. Then commences our duty—a duty to consider the grievance complained of, if it be one. When our minds, from previous reflection and mature deliberation, are made up adverse to the views of the petitioners, then forthwith to reject the prayer is giving to it due consideration, and all that can be required at our hands. The object of referring petitions to a committee is that they may be duly considered; but if we are ready to pronounce upon them the moment they are received, it is no disrespect to the petitioner that the prayer of his petition be forthwith rejected; and the promptness with which it is done may satisfy him that it is an unnecessary burden to himself to send it here again.

Mr. President, I take leave to say that the right for which I have been contending is one not peculiar to the North nor to the South. It is one in which every citizen of this republic is equally interested. It belongs exclusively to no State nor section of the Union. It is one in the preservation of which our Southern brethren are as deeply interested as we can possibly be. It is a right for the establishment of which, amongst others, our fathers made common cause, and poured out their blood together. Are the gentlemen from the South willing to sacrifice so great a principle, merely because a few fanatics seem disposed to abuse it? I beseech them to preserve the right inviolate, and let the public sentiment of the North correct the evil of which they so justly complain. That public sentiment, I undertake to say, is sound. This has been manifested by the movements of our citizens. No sooner were these crusades against the rights of the South commenced, than there was a spontaneous burst of indignation throughout the North. I speak from personal information and observation in relation to the State of New York. Public meetings of its citizens were held in every principal city and village, denouncing, in unmeasured terms, these incendiary attempts to disturb the peace of the Union, and to violate the rights of the States. These meetings were held without distinction of party. Political dissensions were hushed in the universal wish to put down this ill-judged and ill-timed agitation. This was the sentiment of all parties; and afterwards, when political meetings were held by the great political parties of the State, in reference to the fall elections, they did not fail to echo in their proceedings the sentiments which had been expressed at the general meetings which were held at an early day. The opinions of candidates for the Legislature, and other elective offices, were publicly and distinctly known on this subject, and received the approbation of the people, as manifested by the result of their suffrages.

There is, also, an almost entire unanimity of the public press on this subject. New York, on this occasion, has presented a spectacle scarcely known in her past history. The violence of her party politics has been somewhat proverbial. The bitterness of her press has, not unfrequently, been regretted. But its course on this exciting topic exhibited a kind of moral sublimity which has not been surpassed nor equalled. It has shown that when the great interests of the Union are involved and the constitutional rights of the States attempted to be violated, it can rise superior to all local or political considerations, and sustain the principles on which the compromises of the constitution were founded. Yes, sir, the public press of New York was loud in its denunciations of these abolition movements. Friends and opponents of the administration vied with each other in reprobating these incendiary efforts. I know of no presses there, except those owned by, or in the immediate interests of, the abolitionists, but what speak the same language. When you see the presses that express the views of the great political parties into which the people of the State are divided uniting on this subject, and representing the feelings of the great mass of the people throughout the State, can it be doubted that the public sentiment of that people is sound? If more evidence were wanted, I might refer to the recent message of the Governor to the Legislature of the State. Knowing his sentiments as I do, and supposing they were familiarly known to every one who has taken an interest in this question, I was not a little surprised to hear his conduct arraigned before this Senate, by the Senator from Alabama, in reference to his correspondence with the late Governor of that State. Perhaps I misapprehended the remarks of that Senator. I shall be glad to hear that I did, and will cheerfully give way for any explanation he may wish to make.

Mr. MOORE. In reference to the correspondence alluded to, I did not intend to commend the Governor of Alabama, nor censure the Governor of New York.

Mr. TALLMADGE. Will the Senator inform me whether he approves of the demand made by the Governor of Alabama on the Governor of New York, and of the reasons for such demand?

Mr. MOORE. I approve of his sentiments in relation to the abolitionists. But, in regard to the particular inquiry put to me, I canonly say that the late Governor of Alabama is a lawyer, and I am not. I will not undertake to give a legal opinion. The fault I find with the Governor of New York, is, that whilst he was expressing such strong disapprobation of the movements of the abolitionists, he did not recommend legislative enactments to put them down.

Mr. TALLMADGE. I understand the Senator, then, to approve of that which we all approve of; and as to the residue of Governor Gayle's doctrines, his answer is *non mi ricordo*.

The case alluded to, said Mr. T., is simply this: Governor Gayle made a demand of Governor Marcy to deliver up to the authorities of Alabama the editor of an abolition paper in New York, as a fugitive from justice—a man who was then, and long had been, a citizen and resident of New York, but who had fled from justice from a State within whose limits he had never been! To state the case is to show its absurdity, and I will not weaken the force of the able and eloquent answer of the Governor of New York by any further remark of mine. But let us look to his recent message to the Legislature, and see if he is so obnoxious to the remark of the Senator from Alabama. This message has been universally read and approved. Honorable gentlemen from the South have frankly said it contained all that Southern men could reasonably ask or desire. After adverting at great length to the movements of the abolitionists, and the consequences which must follow from them, he adds:

"Relying on the influence of a sound and enlightened public opinion to restrain and control the misconduct of the citizens of a free Government, especially when directed, as it has been in this case, with unexampled energy and unanimity to the particular evils under consideration, and perceiving that its operations have been thus far salutary, I entertain the best hopes that this remedy, of itself, will entirely remove these evils, or render them comparatively harmless. But if these reasonable expectations should, unhappily, be disappointed; if, in the face of numerous and striking exhibitions of public reprobation, elicited from our constituents by a just fear of the fatal issues in which the uncurbed efforts of the abolitionists may ultimately end, any considerable portion of these misguided men shall persist in pushing them forward to disastrous consequences, then a question, new to our confederacy, will necessarily arise, and must be met. It must then be determined how far the several States can provide, within the proper exercise of their constitutional powers, and how far in fulfilment of the obligations resulting from their federal relations they ought to provide, by their own laws, for the trial and punishment, by their own judicatories, of residents within their limits, guilty of acts therein, which are calculated and intended to excite insurrection and rebellion in a sister State. Without the power to pass such laws, the States would not possess all the necessary means for preserving their external relations of peace among themselves, and would be without the ability to fulfil, in all instances, the sacred obligations which they owe to each other as members of the federal

Union. Such a power is the acknowledged attribute of sovereignty, and the exercise of it is often necessary to prevent the embroiling of neighboring nations. The general Government is at this time exercising that power to suppress such acts of the citizens of the United States, done within its jurisdiction, in relation to the belligerant authorities of Mexico and Texas, as are inconsistent with the relations of peace and amity we sustained towards those States. Such a power, therefore, belonged to the sovereignty of each of the States, before the formation of the Union, and, as far as regards their relation to each other, it was not delegated to the general Government. It still remains unimpaired, and the obligations to exercise it have acquired additional force from the nature and objects of the federal compact. I cannot doubt that the Legislature possesses the power to pass such penal laws as will have the effect of preventing the citizens of this State and residents within it from availing themselves, with impunity, of the protection of its sovereignty and laws, while they are actually employed in exciting insurrection and sedition in a sister State, or engaged in treasonable enterprises, intended to be executed therein."

These sentiments will, without doubt, be responded to by the Legislature. They are worthy of a Chief Magistrate who is worthy to preside over more than two millions of people. If public sentiment at the North be sound, if it be such as I have described it, is it desirable that it be kept so? One would suppose that to this interrogatory there would be a universal response from the South. How is it to be kept thus sound? I will tell you, sir. Let gentlemen cease to agitate the question; suffer the excitement to go down, which is only kept up by the ill-directed efforts of those here who profess the greatest horror of the abolitionists, and the cause in which they are engaged; and, above all, do not deny to them, or to any citizens, the right of petition. As they have no ground of principle to stand on, do not give them such a ground, by denying to them that which every citizen has the right to claim. We can adopt no surer mode to create abolitionists. We can do no act that would please them so well. They are anxiously lookng for this indiscretion, nay, this infatuation, on our part; and let me say to Southern gentlemen that their friends at the North are watching, with equal anxiety, our decision on this question. They know its effect, they foresee its consequences, and would most willingly avert them. Let me say to them that we are the best judges on this subject. We know the feelings of our own people best; and if they are sincere in their desire, as I doubt not they are, to put down this agitation, let them not refuse to receive these petitions whenever they are presented. Let them not invade so great a principle; there are those whom such an invasion will arouse, when nothing else can reach them. Let them be assured that the great body of the people is with them—but violation of so great a principle as that involved in the right of petition may turn their thoughts into a different channel. It was not the paltry tax on tea which gave the impulse to the ball of the Revolution; but it was the principle involved which first rocked the cradle of American liberty. Give the abolitionists no such advantage, and you may safely rely on the public sentiment of the North; that sentiment which pervades the breast of every man who loves his country and reveres her institutions; that sentiment which restrains him from interfering in this delicate matter, even though he may suppose he has the constitutional power to do so; that sentiment which imposes voluntarily upon its possessor restraints far more to be relied on than all the restraints which parchment ever imposed.

Mr. President, I have felt it my duty to say this much on this subject; and I cannot but express the hope that the decision of the Senate will be such as to preserve inviolate the great right of petition, the inalienable right of every American citizen; the inheritance from his English ancestors; one of the privileges of the people extorted from King John by the Barons at Runnemede, reasserted by the famous petition of rights in the reign of Charles I, and permanently established by the celebrated declaration of rights, which was the signal of the overthrow of James II, and with him the downfall of the house of Stuart. From that memorable period to the present time, this right has never been questioned either by the King or the Parliament of Great Britain. And scarcely threescore years have elapsed since the same principle was established by the great charter of our liberties; and shall the American Senate be the first to deny to the citizens of this republic that which is granted by the monarchy of England to all its subjects? I trust not; and I hope I may never see the day when the altar of American freedom shall not burn with as pure a flame as that of any land under heaven.

Mr. SWIFT argued that Congress have some power over the subject of slavery in the District, at least to regulate and modify it. He inferred from this that these petitions ought to be received. He regarded the disparaging language used in relation to some of these petitioners, especially among Mr. S's constituents, as not at all applicable. They were neither meddlers nor fanatics.

Mr. NILES now rose and addressed the Chair as follows:

Mr. President: Sir, I did not intend, at an earlier day, to have taken any part in this debate; I was opposed to agitating this question here, and was prepared to have given these petitions almost any direction which would have prevented discussion and the agitation of the question here. I would have voted to lay these petitions on the table, or to have referred them to a committee, with or without instructions to report upon them, as I had no fears but what any judicious committee of the Senate would have made a report calculated to quiet the existing excitement, and to exert a salutary influence on the public mind. But a different course has been pursued, and a debate has been commenced, and is evidently, on this or some other question, to be continued; I have, therefore, felt it a duty which I owe to my constituents and the country to offer some few remarks on this exciting and delicate subject. This discussion, sir, has hitherto come mainly from one quarter, and appears to have proceeded on a great misapprehension of the real state of public sentiment in that section of the Union from whence danger seems to be apprehended. To correct this misapprehension, and disabuse public sentiment, so far as it may be influenced by any thing said or done here, is my principal object.

Before entering on this task, however, (said Mr. N.,) I wish to make one suggestion. What is the object of discussing this subject here; or the various questions connected with it? What beneficial results are expected from it? I make these inquiries because I perceive that, on the part of some gentlemen, there seems a determination to discuss the subject of slavery generally, or at least so far as relates to this District. Resolutions have been introduced presenting, for the consideration of the Senate, sundry abstract questions in relation to this subject, and the constitutional powers of Congress. These resolutions are not now under consideraton, and I have alluded to them only as evidence of a disposition to press on the Senate a general, and, I apprehend, unprofitable debate. What is the object of such debate? Is it to settle constitutional or other general principles, and thus put this question at rest? If this is the purpose, I think it will fail. Sir, I have no belief in the utility of the discussion of abstract propositions, totally disconnected with legislation or any practical results. I have no faith, sir, in settling constitutional questions by resolutions, or the discussion of them, which for years past have consumed so much of the time of the Senate. Nor do I believe, sir, that any other abstract principles, to regulate the action of Congress, or the people, can be established by resolutions, however extensively or ably they may be debated.

I well remember, and I presume it is not forgotten by the honorable Senator from South Carolina, a resolution introduced by a Senator from the State I have the honor in part to represent some years since. It was a resolution, I believe, in relation to the public lands, which, in the ordinary course of business, would not have occupied the attention of the Senate one hour, perhaps not fifteen minutes. From some magic power, of which I have no knowledge, that simple resolution in relation to the public lands, (not a very abstract subject in itself,) was transformed into a text for a most voluminous commentary on the theory and principles of this Government. If I mistake not, this debate, which called forth the most profound talent and great erudition, occupied a large portion of one session of Congress. Of the evils of that debate I forbear to speak; but what benefit the country ever derived from it I have never been able to learn, on the most diligent inquiry, unless it be that it conferred on the name of the honorable Senator, who was the unintentional cause of that debate, a most unenviable notoriety. Sir, I believe at that time, not only every man, but every woman and child, in the country were familiar with the name of Mr. Foot and his resolution; yet, notwithstanding this, I believe that gentleman had very little to do with his resolution; and although he always appears to have regarded it as a very dear child, yet the care and protection of it seems to have fallen into other and abler hands. After the failure of this great experiment, I am surprised that any one should think of settling constitutional questions by resolutions. Surely, sir, we ought to draw some lessons of wisdom from the past; and when we are about to make a similar attempt, it may be well to remember the issue of the first great experiment.

But if the object of this discussion is not to settle abstract principles, I would ask what it is. Is it to quiet the public mind, and to put a stop to agitation? If I understood the honorable gentleman from South Carolina, he declared this to be his purpose. If so, I am happy to say that I can go with the gentleman heart and soul. I believe that the peace and best interests of the country, both at the North and the South, require that this agitation should cease, the public mind be tranquillized, and confidence restored. But how do gentlemen propose to obtain this desirable end? Why, it would seem, sir, that they propose to stop the agitation of this exciting question among the people by agitating it here.

[Mr. CALHOUN rose to explain. He said he had not urged on a debate—he had done nothing to cause a debate—he had only made the question that the petition be not received; and, if a debate had ensued, he was not responsible for it, but those who had opposed his motion.]

Mr. NILES. I did not allude particularly to that gentleman; my remarks had a more general application. The Senator from South Carolina made a motion, which he certainly had a right to make; and, although a debateable one, he is not particularly chargeable for the discussion which has taken place; nor can I say that he has himself partaken largely in this discussion. But the debate has come principally from one quarter; and until the speech, the other day, from the Senator from New Hampshire, [Mr. HILL,] almost entirely. I alluded to the fact of this debate having been continued mainly by those who profess to feel great alarm at the agitation of this question.

Sir, I believe that the agitation of this subject here will promote agitation elsewhere, and tend to keep the public mind in an excited and feverish state.

And here I must be permitted to express some astonishment that gentlemen urge a discussion, whilst they avow that their object is to prevent agitation. When I hear that this is their object, asserted in the most solemn manner, I am bound to believe it. I trust the gentlemen are sincere; at the same time I must be permitted to say that the means by which they seek to attain their end appear to me very extraordinary. Was it not for descending from the gravity of the subject, I would say that it reminded me of a person I have heard of in my section of the country. A man who was very pugnacious and quarrelsome, who was constantly wrangling with his neighbors, yet always insisted that he loved peace; and so great was his anxiety for it, that he declared he would have peace with his neighbors if he had to fight for it. If I understand the views of some honorable gentlemen, they seem disposed to agitate this question for the very purpose of preventing agitation.

[Mr. CALHOUN wished to ask the gentleman whether he doubted the sincerity of his declaration, when he asserted that he was opposed to agitating the question.]

Mr. NILES. I do not doubt the gentleman's sincerity, when he so solemnly declares that he is opposed to agitating the abolition question here; yet I must claim the right to make such inferences from the course and the acts of that gentleman and his friends as I think they authorize.

Sir, I hope, most sincerely hope, there is no disposition any where in the North or in the South to connect this exciting subject with the party politics of the day. That there is no such intention here we are fully assured. But is there no such intention elsewhere? Sir, I am sorry to say that I fear there is. I cannot shut my eyes to occurrences of general notoriety; I cannot resist the evidence of my senses. I fear there is a spirit of mischief at work in a certain quarter at the South as well as the North: it is, I hope, in both sections, confined to a small number of individuals.

It is a fact of general notoriety that there is a press in this city, the one to which the Senator from New Hampshire referred, professedly devoted to the interests of a certain party at the South, which has long labored, with a zeal and perseverance worthy of a better cause, to agitate the public mind on the slave question, whilst it has sought to alarm the South by the grossest misrepresentations of public sentiment at the North; by magnifying the number and influence of the abolitionists; by representing them as connected with a political party, in the face of the most notorious facts, it has endeavored to encourage the abolitionists to persevere in their mischievous designs. There are also presses at the South devoted to the same party, which have pursued a similar course. Whilst these mischievous vehicles have professed the utmost abhorrence of the designs of the Northern abolitionists, and to feel the greatest alarm at the tendency of their incendiary publications, they have at the same time given a circulation through their own papers to the very worst of these publications, under a pretence of exhibiting their enormities. These papers have been circulated in the slave States, and are supported by a certain party in that section of the Union. It has been asserted by the honorable Senator from South Carolina, that he has no fears from the circulation of the tracts and other publications of the abolition societies at the South; that such is the state of things there, it is impossible they should be circulated. In this, I presume, the Senator is correct; and it is therefore fair to conclude that the principal circulation which these mischievous publications have received in the slave States has been through the columns of political papers professing to apprehend the greatest danger from the movements of the Northern abolitionists, and to feel the greatest abhorrence of their publications. How is this inconsistent and absurd conduct to be accounted for, except by supposing that there are agitators at the South who are attempting to create an excitement on the question of slavery for political purposes? These same vehicles have been urging on the South the most dangerous and preposterous measures, as being necessary for the security of the slaveholding States; measures which, if not revolutionary in their character, have an obvious tendency to such results.

Sir, if there are such mischievous agents at the South, who are seeking to build up a sectional party, by appealing to the fears of the people in the slave States, and misrepresenting public sentiment at the North, they are more execrable and more dangerous than the Northern abolitionists. Sir, a Southern convention has been advocated by these men. And what can be the design of such a convention, but to increase the existing excitement, to irritate the public sensibility, and to blow the enkindling flame into a consuming fire? Can such a measure spring from sober and discreet counsels? Can it be called for to devise measures for the protection of their interests exposed by the mad schemes of the abolitionists? I think no intelligent and candid man will maintain this.

There is another measure proposed at the South by a very different set of men, and whose motives I would be the last to impugn. It is, that the Legislatures of the slaveholding States have a right to demand of the non-slaveholding States the punishment of acts committed by citizens of the latter within their own jurisdiction. In a report adopted by the Legislature of South Carolina, this principle is asserted and maintained; and, in another State sustaining an elevated rank in the confederacy, there is a discussion now going on in relation to the same principle:

"Your committee would be inclined to recommend to this Legislature to make an explicit demand on the non-slaveholding States, for the passage of penal laws by their Legislatures, providing for the punishment of the incendiaries within their limits, who are engaged in an atrocious conspiracy against our right of property and life.

"We concur entirely in the view which our own Executive takes of the grounds on which our right to demand the enactment of such conservative legislation rests. Apart from those obligations, resulting from the constitutional compact which unites these States, and which makes it the imperious duty of one member of this confederacy not to allow its citizens to plot against the peace, prosperity, and happiness, of another member, there is no principle of international law better established than that, even among foreign nations, such atrocious abuses are not to be tolerated, except at the peril of that high and ultimate penalty, by which a brave and free people vindicate their rights."

As rights and duties must be reciprocal, the right to make such demand presupposes the obligation to obey it. But supposing it is not obeyed, as it most assuredly would not be, what is then to be done? When one independent State makes demands of another, of the redress of some wrong done to it, which is refused, it then must seek redress in its own way. And the right to make the demand supposes the concomitant right to seek the redress.

We have heard something in a recent report, I hardly know what, about a sort of international law which is applicable to the States. This is to me a new and strange doctrine, and, as I have no faith in it, I shall not undertake to examine it. Can a State, acting in its sovereign capacity, commit an aggressive act against the rights of another State, which will render it necessary for the latter, acting in its sovereign capacity, to seek redress? To state such a proposition is to refute it. If any State should so far forget its obligations to the Union, and to its co-States, as by law, or otherwise, to commit any aggressive act against another State, such law would be unconstitutional and void, and could afford no justification to the persons executing it, who would be amenable in their individual capacity in the federal courts, or the courts of the State injured, if they committed any illegal act within its jurisdiction.

Can the citizens of one State, whilst residing within its jurisdiction, commit any aggressive or illegal act against another State or the citizens thereof? It is clear to my mind that they cannot. What relations, then, can ever exist between the States to which the gentleman's [Mr. CALHOUN's] principles of international law can apply?

I admit, however, that the citizens of one State may be guilty of an improper and unjustifiable interference in the local concerns and interests of another, and I will not deny but that there might be a case in which it would be proper for such State to restrain and punish such conduct by legal enactments. But this never can be demanded as a right; it must emanate from a spirit of comity and that sense of justice which the councils of every State must be supposed to entertain, relative to what is due to its associate States in the confederacy. If such evils exist, it must be conceded that the State where they exist is the rightful and best judge of the most suitable and efficacious means to repress them, and it is to be presumed that she will not want the disposition to apply those means. This mutual confidence the States must repose in each other; it is the cement of the Union, and should the time ever arrive when it becomes generally impaired and destroyed, I shall despair of long preserving that political system which ought to be the pride and boast of every American, as it is the admiration of every enlightened lover of liberty on the face of the earth.

Having briefly alluded to what I believe to be errors in one quarter, I will now proceed to notice those in another, and to bear my humble testimony to what I consider to be the true state of public sentiment on this interesting subject at the North. In speaking of the North, as I may do for brevity's sake, I wish to be understood as intending my remarks primarily for the State which I have the honor in part to represent; yet I think I may say, in the language of the almanac makers, that with little or no variation they will be equally applicable to the neighboring States.

On this point I feel more confidence, and shall boldly speak the things which I know, and bear testimony to the things which I believe.

Sir, I apprehend that public opinion on the slave question at the North, both here and in the slave States, is greatly misunderstood; and that by some, as I have already stated, it is grossly misrepresented. From these two causes, I fear, great evils may follow, unless the truth is made to appear. This I shall endeavor to do, so far as respects the State whence I come. I shall fearlessly give the whole truth, as I understand it, let it cut where it may or whom it may.

Why is it that, at this time, there is so much excitement and so much alarm in the slave States regarding public opinion at the North, in relation to their peculiar institutions and interests? It is owing to the conduct of a small class of men who call themselves abolitionists, and who have formed themselves into societies, the better to prosecute their designs. That the conduct of these fanatics—for I think I shall show they deserve to be so considered—should have occasioned some excitement, is not at all surprising. It was perfectly natural, and probably unavoidable. At the same time I do not hesitate to declare, as my solemn conviction, that the general state of public sentiment at the North, in relation to the subject of slavery, in all its aspects and bearings, was never sounder since the establishment of this Government than it is at this moment. If I am correct in this position, as I shall endeavor to show that I am, the danger to the South, if any, can be nothing more than what is to be apprehended from the immediate acts of the abolitionists, in attempting to circulate their inflammatory publications within those States.

But we have been told, by the Senator from South Carolina, that this is not the evil which is apprehended; because, he says, it is impossible to circulate the publications of the abolitionists in those States. In what, then, does the danger consist? Why, the gentleman says, in agitation. It is the spreading of the sentiments of abolitionism in the non-slaveholding States, and the prevalence, among the people of those States, of opinions unfriendly, hostile, and injurious, to the institutions, to the rights, and to the character, of the people of the slave States. To prove that this is regarded as the source of the danger, I will again refer to the report from which I have once read:

"Let it be admitted that, by reason of an efficient police and judicious internal legislation, we may render abortive the designs of the fanatic and incendiary within our own limits, and that the torrent of pamphlets and tracts, which the abolition presses of the North are pouring forth, with an inexhaustible copiousness, is arrested the moment it reaches our frontier, are we to wait until our enemies have built up, by the grossest misrepresentation and falsehoods, a body of public opinion against us, which it would be almost impossible to resist, without separating ourselves from the rest of the social system of the civilized world? or are we to sit down content, because, from our own vigilance and courage, the torch of the incendiary and the dagger of the midnight assassin may never be applied?"

We are here informed that the danger which is apprehended is from the building up of a body of public opinion at the North, injurious to the South, and which cannot be resisted without separating the Southern States from the rest of the civilized world. But have the proceedings of the abolitionists done this? Have they tended to such a result? I think not; but their tendency has been directly to a contrary result. How have they been received? Have they not every where met with opposition? Have they not every where called forth the honest indignation of the people, the strongest expressions of their reprobation? That this has been the case, in the State whence I come, I shall endeavor to prove.

But gentlemen seem to look to erroneous sources to discover the public sentiment at the North. At one time we are told that the women at the North are all turning abolitionists; that they are signing petitions to Congress, praying for the abolition of slavery in this District. If this was true, there might be cause of alarm; for they are very apt to carry the men with them. I hope, however, it will not be supposed that the females in the cold climate at the North are opposed to union, or the Union; for I verily believe they are ardently attached to both. In respect to those who send their names here as petitioners, they belong to that small class who are always meddling with matters which they do not understand, and which do not properly belong to their province. They are of those who are more busy and more anxious about the morals and religion of their neighbors than they are about their own. They are of that class who, a few years since, were petitioning in behalf of the poor Indians; and if applied to by the same agents, would as readily sign a petition, praying Congress to appropriate the whole surplus revenue to send missionaries to Asia. I really hope, sir, no such petition will be sent here this session, as we have now at least three projects before us for disposing of this surplus, and thus saving the virtue of the people, which, in the opinion of some, seems exposed to sink beneath the corrupting influence of this alarming surplus.

The honorable gentleman from Virginia has discovered public opinion at the North from another source, more elevated, but scarcely entitled to more reliance, as an evidence of the general state of popular sentiment on the slave question. He has had sent to him a pamphlet, written by a distinguished divine in one of the Northern States, which favors the cause abolitionism. I have not seen that publication, and was not in my seat when the gentleman read certain extracts from it, and know not how far the writer carries his abolition notions. But I was surprised at the comments of the gentleman on this pamphlet. He stated that, from conversing with many intelligent gentlemen from the non-slaveholding States, from the proceedings of public meetings, and other sources of information, he had come to the conclusion that the general sentiment was sound at the North, until he received the pamphlet referred to; which led him to believe that something was rotten in Denmark.

[Mr. Leigh said he had used no such language, nor conveyed any such sentiment.]

Mr. Niles. I do not profess to quote the gentleman's language; I have only stated what I believe to be the substance of what the Senator said as to the influence this pamphlet had on his mind. I claim the right to use my own language to state the substance of the gentleman's remarks, and to comment upon them. I think I am not mistaken as to the import of what the gentleman said.*

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*Mr. Leigh the next day read an account of this conversation or incident in a newspaper, and said that, according to that account of the occurrence, it would appear that he had been insulted, and had tamely submitted to it; although he did not then, nor did he now, believe the gentleman intended any insult. He repeated his disclaimer of using the language and sentiments imputed to him.

Mr. Niles said he had no intention to misrepresent the gentleman, or do him any injustice, or treat him with discourtesy. He had no experience here, and did not know what was the parliamentary rule; but supposed he had a right to put his own construction on the gentleman's speech, and comment upon it, leaving him to make such explanations or disclaimer as he saw fit.

Mr. Leigh then asked the gentleman to state explicity whether he intended to doubt the sincerity of his dsclaimer of the language and sentiments ascribed to him.

Mr. Niles said he had already denied having any such intention; that he had never pretended to give the precise language made use of by the gentleman, but only the construction of which he thought it was susceptible.

Mr. Leigh replied that he had no further remarks to make, except that he was wonderstruck that any human being could put such a construction upon the portion of his remarks in question.

The following is an extract from Mr. Leigh's speech, published in the National Intelligencer, understood to have been made out by Mr. L. himself. It is believed fully to justify the construction put upon it.

Extract from the Intelligencer.

"I have since read the book itself; its title is, 'Slavery, by William E. Channing;' printed at Boston, 1835.

Why, sir, did the gentleman mean to be understood that he regarded the sentiments of one individual, however distinguished for learning or intelligence, as outweighing in his mind all the evidence he had received from all other sources? And why does the Senator attach so much importance to the opinions of one individual? Is it because he is a clergyman, and one eminent for talents and learning? If so, he has but little knowledge of the character of the people. Was the gentleman aware that, in looking to such a source, he was going into the very camp of the abolitionists? So far as I am informed, a large portion of the abolitionists are clergymen. He might, with nearly the same propriety, have read a tract of the abolition society, as most of those are probably written by clergymen, as evidence of Northern sentiments. However much the opinions of the clergy may be respected on subjects connected with their profession, on political questions, and all others relating to the interests of the country, there is no class of men whose opinions are more at variance with the general current of popular sentiment. The reason is obvious: they do not mix or take part with the people in secular concerns; their ideas are drawn from different sources, and their opinions are abstract and speculative. Those who seek for public opinion at the North must neither look above nor below the people, but they must look for it among the people themselves: they must direct their attention to the great mass; the men who toil and the men who think; the yeomanry, mechanics, and laborers; the men of hard hands, sound heads, and honest hearts. These classes constitute the great body of our citizens, and are nearly all sufficiently intelligent to form their own opinions on all questions regarding their own rights or duties, either as individuals, or as electors, interested in the concerns of the great republic.[*] I will now proceed to consider what I believe to be the general state of public sentiment among my constituents, in relation to the matter under consideration. The subject of slavery is a comprehensive one, and I cannot speak of public sentiment without analyzing it, as it embraces several distinct questions.

The first is, that of slavery, as it exists in several of the States in this Union, and the power of this Government over it. On this question it is necessary to say but a few words, as I am not aware that Northern sentiment differs at all from Southern sentiment. No one supposes that Congress can directly or indirectly interfere; and, with the exception of the small number of modern abolitionists, the opinion is scarcely less universal that the people of the non-slaveholding States have no right to interfere in any way with the local concerns, and the relations of master and slave, in other States. Domestic slavery is generally regarded as a political and social evil, but one with which the people where it does not prevail have no concern, any more than they have with political evils in Canada or Ireland. But it is not considered that the present generation at the South are responsible for the evils of slavery; nor is it believed that, in general, the condition of the slave population, in point of comfort, is worse than that of the free blacks of the North. Slavery is regretted as a political and social evil, in relation to its influence on society.

The second form of this question is, slavery in this District. The prevailing opinion is, that Congress have constitutional power to legislate in relation to slavery in this District. This opinion is not generally the result of examination, as the question has not been discussed; it has never been found necessary to discuss it, because very few have ever supposed that it would be proper or right for Congress to act on this subject whilst slavery exists in the surrounding States. What I have stated to be the common opinion, I must add, is my own opinion; but I do not intend to go into a discussion of this constitutional question. I will only say that the ingenious and able argument of the honorable gentleman from Virginia did not carry conviction to my mind. That argument was based on two assumptions, neither of which I think is true. The first is, that the power of Congress is derived from the cessions of the States of Virginia and Maryland, and is co-extensive with the power possessed by those States. This, I apprehend, is incorrect. The cessions conferred no power on Congress; they were nothing more than a relinquishment of the jurisdictions of those States; but such relinquishment did not transfer to, and invest in, Congress, the precise measure of power which they possessed, nor, indeed, any power at all. If any State were to cede to the United States a part of its territory, would such cession vest in Congress the same jurisdiction and power over it previously possessed by the State? It is evident it would not. The power of Congress is not derived from the cession, but from the constitution. A State can confer no power on Congress. The other assumption regards slaves in the light of property only. This, I apprehend, is incorrect; because their owners have not an absolute, unqualified, indefeasible, right of property. they have only an interest in their services; they are also regarded by the laws of all the States as human beings, so that there is something on which laws can operate besides the right of property. I do not like the language which speaks of slaves only as property; it sounds harsh to my ears; I much prefer the language of the constitution, which speaks of them as persons held to labor. I admit that, so far as regards the existing right of property in slaves, it cannot be destroyed by legislation, and I can go no farther.

But I leave this question; I do not deem it of as much importance as many seem to regard it. There are other, and, to my mind, equally insuperable objections to the abolition of slavery in this District, whilst it exists in the neighboring States. Are there no general principles which ought to control the action of Congress, except those of a constitutional nature? I think there are principles of higher authority and higher obligation: the

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And I must say that I have never risen from the perusal of any book with a feeling of deeper sorrow. It has had the effect of weakening the chief remaining ground of hope in my mind, that the incendiary schemes of the abolitionists in the Northern States, the system of agitation they have organized, the war they are kindling against the peace and happiness of the South, and the harmony of the Union, would be effectually counteracted and suppressed by the efforts of our fellow-citizens of the non-slaveholding States."

Extract from the Globe.

"Since that debate, he had read a book entitled 'Slavery,' by a Mr. E. Channing, of Boston. He had never read any paper that filled his mind with a deeper sorrow. * * * * This book (said Mr. LEIGH) has impaired in my breast the strong hope founded on the belief deduced from conversations with intelligent gentlemen from non-slaveholding States, that that intelligence and good sense would be exerted to suppress this cause of mischief and agitation throughout the Union."—*Note by Mr. Niles.*

[*] These sentiments may not accord with those of Mr. LEIGH, who once stated in a speech, if my recollection is correct, (as I have not the speech before me,) that those classes who were compelled to obtain a livelihood by labor occupied a position similar to that of the slave population; that they had not, and could not have, sufficient intelligence to be safely intrusted with the elective franchise, or any participation in the concerns of Government.—*Note by Mr. Niles.*

great principles of justice and moral right. These principles existed before the constitution, and will survive it, unless that shall endure for ever. For Congress to abolish slavery in this District, against the will of the inhabitants, and whilst it exists in the adjoining States, I should regard as a palpable abuse of power, more censurable than a violation of the constitution in a case not entirely free from doubt. This would be an abuse of power involving a disregard of the great principles of justice and moral right. Such, I believe, are the prevailing sentiments of my constituents, who, for that reason, do not trouble themselves about the constitutional powers of Congress over slavery in this District.

I proceed now to speak of the third form in which the question of slavery presents itself—that of abolitionism. This consists of two kinds: abolitionism of the old school, and abolitionism of the new school. The former amounts to nothing more than a rational wish and desire for the emancipation of all persons held in bondage, and a disposition to advance that object by the diffusion of knowledge and the progress of society. Of this kind of abolitionists were Franklin and Jefferson; and there are many such at the North, and I presume at the South; and were it not for the difference in the two races—a difference existing in nature, which seems to interpose an insuperable barrier to that object—I should hope that the whole free population of the Union would be abolitionists in this sense.

Very different from these are the abolitionists of the new school. What are their principles? I judge of them from their own publications, which I have examined. They propose an immediate abolition of slavery, and against the will of those interested in it. They therefore propose to abolish slavery by violence. And this they design to effect in communities where they do not reside, and have no interests or sympathies with the inhabitants. Whatever may be their intentions, no rational person can doubt that their scheme has a tendency to insurrections, massacre, and a servile war.

They regard slavery as a theological question. They say it is a sin and a moral evil in the sight of God and man, and ought to be eradicated from the earth; and that it cannot be wrong to remove an evil. They aver that they have nothing to do with the consequences.

Can men be sane who avow principles like these, who are pursuing an object having the most important bearing on the vital interests of society, which exposes it to all the horrors of insurrection, massacre, and servile war, and yet declare that they have nothing to do with the consequences of their own acts? To call such men fanatics is too mild a term. I have no concern with their motives, but, like all other moral agents, they must be held responsible for the natural and obvious consequences of their own acts. This principle, true in morals, is not less so in politics. Is it to be wondered at that a scheme, based on a total recklessness of consequences, should have excited the almost universal indignation of an intelligent and moral people? Does any one suppose that this scheme of abolitionism can, under any circumstances, prevail to any extent among the people in any of the free States? It is impossible. That it has been discountenanced and reprobated by the people of the State I in part represent, I shall endeavor to show.

But there is reason to believe that there is one part of this scheme of abolitionism which has been kept more out of sight—that is, amalgamation. Their first movements appear to have been directed to this object, and were made in Connecticut. In 1832, some of these men, residing in another State, established a school in one of our towns for the education, in the higher branches, of colored females. It occasioned great excitement in the town, and some in the State. In 1833 a law was enacted by the Legislature, making it unlawful to set up any school in the State for the education of persons of color, without the consent of the selectmen of the town. In violation of this law, the school was continued, and a prosecution was commenced against the instructress, which was resisted on the ground that the law was a violation of the constitution of the United States, and the question was never brought to a final decision; but such was the honest indignation of the inhabitants of the town and vicinity, that the school was finally broken up.

The proceedings of the abolition society in the city of New York called forth an immediate and strong expression of indignant feeling in Connecticut, which was nearly universal.

The first public meeting was called in New Haven: it was large, and comprised the most distinguished and influential citizens of all parties. The Governor of the State presided. The resolutions adopted are strong and decided, and reprobate the principles and proceedings of the abolitionists in the strongest terms. I will read some of the resolutions, sufficient to show the views and sentiments of the meeting:

"*Resolved*, That we have witnessed, with mingled feelings of alarm and reprobation, the reckless course of some professed friends of the cause of freedom, whose efforts, under the mask of philanthropy, have infused gall and bitterness into our social system.

"*Resolved*, In the language of a report of a Committee of the House of Representatives, made in the second session of the first Congress which assembled under this constitution, and by that body ordered to be recorded in its journal: that Congress have no authority to interfere in the emancipation of slaves, or the treatment of them, in any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require.

"*Resolved*, That no man, or combination of men, in one State, has the right to interfere with the constitutional rights or to violate the criminal laws of any other State in the Union, either by sending publications leading to insurrection in such States, or in any other manner; and that we hold it to be the duty of good citizens, by all lawful measures in their power, promptly to arrest such proceedings.

"*Resolved*, That the concurrent testimony of all parties in the Southern States, as well as that of the ministers of the gospel of all denominations among them, whose proceedings have been published, cannot fail to convince every reflecting man that the late proceedings of what are called the abolition and anti-slavery societies have a direct tendency to excite insurrection and dissolve the Union.

"*Resolved*, That as the mail of the United States was intended for common good, and is supported from the common treasury of the Union, any citizens who make use of it as the means of distributing publications hostile to the public tranquillity, and, under the presumption of secrecy and security, transmitted thereby, privately, incendiary documents that they would not dare to follow to their destination, are deserving of the reprobation of all good and patriotic men.

"*Resolved*, That, in responding to our fellow-citizens of Carolina, we are not insensible to the devoted zeal which she exhibited in the achievement of our national independence, and that the land of the Pinckneys, of Laurens, of Moultrie, of Marion, of Sumpter, and a host of other gallant men, who periled with our fathers 'their lives, fortunes, and their sacred honor,' in a common cause, deserve, as a right, not as a favor, the protecting influence and support of every Northern patriot."

A public meeting of the citizens of Hartford was soon after called. For reasons, not necessary to mention here, it was not so generally attended as the meeting at New Haven; but the resolutions adopted did not the less speak the true sentiments of our citizens. I had the honor to be the organ of the committee which reported the resolutions that were adopted. There is one which expressly touches on the question of slavery in this District, to which I would particularly call attention. I will read some of the resolutions:

"*Resolved*, That the States, in confederating, retained all their rights, as independent sovereignties, except such as were expressly delegated to the Union; and among the rights reserved were those relating to all matters of a local and social nature, to private property, and the security and relations of persons, including those of master and slave—for at that period slavery existed in nearly all the States, and was sanctioned by their laws.

"*Resolved*, That, in view of these obvious principles, it is a violation of the spirit of the constitution for citizens of one State to enter into combinations (to give more energy to their efforts) for the avowed object of effecting a change in the institutions, laws, or social relations, of the people of other States, who, as regards all such matters, are as entirely independent communities as they would have been had they not entered into the confederacy.

"*Resolved*, That the conduct of the abolitionist societies, in publishing and distributing in the slaveholding States, in violation of their laws, newspapers and pamphlets, the natural and obvious tendency of which is to excite insubordination and insurrection among the slaves, and expose the country to all the horrors of a servile war, is highly censurable, and cannot fail of meeting the reprobation of every friend of his country. Such proceedings, being a violation of the spirit of the constitutional compact, are not more hostile to the peace of those States more immediately affected by them than dangerous to the general harmony and the preservation of the Union.

"*Resolved*, That it is the duty of all good citizens who love liberty and venerate our happy institutions, to discountenance all interference by the citizens of any State in the local interests and concerns of other States; that such interference in the relations of master and slave, and the interests connected therewith, is in an eminent degree reprehensible and dangerous. That we will use all legal and proper means, not incompatible with our rights, and those great principles of liberty, freedom of speech and the press, to repress and prevent any such interference, so unwarrantable in principle, and so dangerous in its consequences.

"*Resolved*, That we can see no good, but much evil, from agitating the question in any form, in the States not immediately interested; and that we should deprecate any action or proceeding by Congress regarding slavery in the District of Columbia; and, therefore, disapprove of the petition which we understand is in circulation among the people of this State, to be presented to the next Congress, praying for the abolition of slavery in the District of Columbia.

"*Resolved*, That we regard the subject of slavery in the United States as solely a civil and political question; and, therefore, cannot see the propriety of its being taken up by religious communities, and treated as a moral or theological question; and, for the same reason, have viewed with regret and decided disapprobation the interference of some of the clergy, and especially those of a foreign country, in a matter involving such momentous political principles, and such important social rights."

Other public meetings were held (said Mr. N.) in different towns in the State, at which similar sentiments were expressed. But it is unnecessary to refer to them. The sentiments expressed by the citizens in the two largest towns in the State were responded to by the great body of our citizens with a unanimity seldom if ever witnessed. The public presses, of all descriptions, proclaimed the same opinions. I know of but one abolition meeting in the State, and that occurred since I left home. It was, I understand, disturbed and broken up by violence. These proceedings led to a call of a general meeting of the citizens of the town, which passed sundry resolutions, of which I will read two that may serve to show their sentiments:

"*Resolved*, That as, by the constitution of the United States, domestic slavery is left entirely and exclusively under the control of the individual States where the same exists, any interference of the other States, or the citizens thereof, with a view of dictating to the slaveholding States on this difficult and delicate subject, and particularly by insisting on an immediate abolition of domestic slavery, is a violation of the spirit of that constitution.

"*Resolved*, That this meeting, while it deprecates and will discountenance all tumultuous and disorderly proceedings on the great question of slavery, which now agitates the public mind, cannot but deem antislavery associations, formed for the purpose of disseminating, either by themselves or their special agents, the principles of immediate abolition of domestic slavery, in all the States of the Union where it exists, highly inexpedient, and injurious to the slaves themselves; and this meeting cannot, also, but consider the circulation of pamphlets and other publications, in the slaveholding States and elsewhere, denouncing all those holding slaves under the sanction of the laws of those States 'as man-stealers,' and representing, either in words or by pictures, all slaveholders, indiscriminately, as guilty of cruel and barbarous treatment of their slaves, to be highly reprehensible, calculated not merely to disturb the harmony of the States, but to promote a servile war, and to destroy the Union itself."

Is it supposed that the reckless principles and violent measures of modern abolitionists are calculated to build up a body of public sentiment at the North, unfriendly, injurious, and hostile, to the South? Far from it. Those who believe this know little of our population. Their tendency has been directly the contrary. They have aroused attention, and excited a spirit of inquiry, which have produced not only a reprobation of the violent measures of the abolitionists, but a decided and settled conviction that it is morally wrong for the people of one State to interfere, in any manner, in the local concerns of others, and especially in the delicate question of domestic slavery; that such interference has a direct tendency to destroy the confidence which should exist between the different sections of the confederacy, and thus to jeopardize the Union, which can be sustained only by public opinion.

That such has been the influence of the rash proceeding of these fanatics, in the State whence I come, I am fully assured. Previous to these events, there were some abolitionists among us. I know of some who are abolitionists no longer, or, at least, deem it prudent to keep their opinions to themselves.

Sir, I can state a fact that shows the force of public opinion, developed by the measures of the fanatics. A short time previous to their proceedings becoming known, petitions were sent into different parts of the State, to be circulated for signatures, and intended to be presented to Congress, praying for the abolition of slavery in this District. These were generally sent to clergymen; from my situation, in connexion with the mails, I was enabled to ascertain these facts. But, sir, not one of these numerous petitions has been sent here; there is not a single petition from Connecticut on the subject of slavery in this District. Sir, public opinion must be respected; the indignant voice of the people, aroused by the conduct of the abolitionists, put a stop to this movement. Does this look like building up a body of public sentiment favorable to the cause of abolitionism?

And here permit me to correct an error which the gentleman from South Carolina and others seem to have fallen into. They speak of the tracts and publications, issuing from the abolition mint, as being extensively circulated and read by the people of the North. This is an entire mistake. I do not believe that one person in a hundred has ever seen one of these publications; no one desires to read them; and there is not, so far as I have been able to discover, even a curiosity to see them. I have no doubt that a large portion of those sent through the mails are not taken out of the post offices. This I know was the fact at the office of which I had the charge; even persons supposed to be abolitionists declined to receive them. Were I to seek for these publications, or copious extracts from them, I would look into the columns of the newspapers I have referred to; and I might also find them, or parts of them, by looking into the speeches of members of Congress who professed to be most alarmed at their circulation.

This abolitionism of the new school is an excitement, and, like all other excitements, it will soon pass away, unless kept alive by persecution, or some other unjustifiable and unwise measures of resistance to it, and not leave a trace behind. This, sir, is an age of excitements; almost every year is characterized by some excitement. A few years since we had, in my section of the Union, an excitement in relation to the mails being conveyed on the Sabbath; numerous petitions were sent to Congress to interpose and check this national sin, as it was called. This was followed by the Indian excitement, and petitions were again circulated and sent to Congress in behalf of the poor Indians. These petitions, in both of these cases, were also signed by females, and I will state one fact concerning them. Those circulated in Connecticut, in behalf of the Indians, were printed at Andover, Massachusetts; and the petition in relation to slavery in this District, to which I have referred, it is altogether probable, came from the abolition mint in New York. What has become of the Indian excitement? It would be difficult now to find a man who would admit that he had any agency in it. In 1834 we were visited with an excitement which surpassed all others, it was commonly called the panic excitement. For a time it threatened universal desolation; the stoutest hearts quailed before it; it was like the pestilence that walketh in darkness and wasteth at noonday; the ordinary barriers of law, constitution, and even the sacred institution of the Sabbath, seemed to yield before its desolating sway, which, in the opinion of some, brought us to the very verge of a revolution. Whether any thing was heard or known of this panic here, I cannot say; I had not the honor of a seat in the Senate. All that I know is, that the mails during the whole season groaned under the weight of panic speeches, all calculated to convince the people that they really were distressed, whether they were sensible of it or not; and to persuade them that the only way to remove the evil was to increase its severity; as quacks inform their patients that the only sure means of a cure are to aggravate the disease. This excitement, terrible as it was, soon passed away, and far be it from me to wish to revive it. Peace to its ashes; may they long repose undisturbed, unless scattered by the winds of heaven over the vast "solitudes" of the West, whether lakes or prairies.

Such, sir, will be the issue of the abolition excitement of 1835. It will not be in the power of agitators and evil-disposed persons, either at the North or the South, to keep it alive for any length of time; much less will it have the effect of producing settled convictions and opinions in one section of the Union hostile to another.

Sir, was this to be apprehended, I will admit it would be an evil of the most alarming character. This has once been tried at the North, under circumstances more favorable for success than will probably ever again occur. Sir, when disaffection—I will not say to the Union, although that has been charged by others—when disaffection to the administration, and the principles of it, prevailed extensively at the North, and had sunk deep into the hearts of the people, the leaders of a great party attempted to build up and consolidate their power, by exciting unworthy prejudices against the people of the South. The slave population, and the fact of its forming in part the basis of federal representation, was the principal ground on which the structure of sectional prejudices was attempted to be erected. This scheme was commenced early. I think it was in the year 1796 that a series of essays, written with unusual ability, were published in a newspaper in Connecticut, standing high in the confidence of the dominant party, agitating the slave question, and designed and calculated to excite prejudices on that subject. This first effort was followed up from time to time, and especially at periods when the disaffection to the Government here was most extensive and violent, as during the embargo restrictive measures and the war of 1812. These measures the people were told, and calculations made to prove the statement, were carried through and sustained by a representation in Congress based on the slave population. These unworthy efforts to infuse into the minds of the people prejudices against the South were not confined to the complaint on account of slave representation, but in many instances extended to the institutions in the slave States and the condition of the slave population. The first essays to which I have alluded declared that the slaves of the South were as much the property, absolutely and indefeasibly, of their masters, as in Connecticut cattle were of their owners. They were declared to be the cattle of the South; and it was said they were treated no better than brutes. This scheme of sustaining party domination by sectional prejudice was persevered in for a series of years, and until December, 1814, when it was finally abandoned, and received its quietus by what has been called by a distinguished gentleman, now in the other end of the Capitol, a "catastrophe." Among the complaints published to the world by those connected with this catastrophe, was that of slavery and the federal principle of representation as regards the slave population.*

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* "A most elaborate set of papers was then published in the city of Hartford, in Connecticut, the joint production of an association of men of the first talents and influence in the State. They appeared in the Connecticut Courant, published by Hudson & Goodwin, two eminent printers of, I believe, considerable revolutionary standing.

"These essays, under the signature of Pelham, were republished in Philadelphia, in a paper called the New World, edited by Mr. S. H. Smith. For eighteen years the most unceasing endeavors have been used to poison the minds of the people of the Eastern States towards, and to alienate them from, their fellow-citizens of the Southern. The people of the latter have been portrayed as demons incarnate, and destitute of all the good qualities which dignify or adorn human nature. Nothing can exceed the violence of these caricatures, some of which would have suited the ferocious inhabitants of New Zealand, rather than a civilized or polished nation."—*Olive Branch*, 1815.

Extract from Pelham's Essays.—"Negroes are, in all respects except in regard to life and death, the cattle

But this great experiment, sustained by a powerful combination of talent, and immense wealth, and favored by strong party feelings, did not succeed. These great and persevering efforts, aided as they were by the circumstances of the times and deep party animosities, failed in building up a body of public opinion at the North, unfriendly, hostile, and injurious, to the interests and character of the Southern States. The feelings and prejudices which were engendered were evanescent, and passed away with the exciting causes which produced them. The good sense and honest purposes of the people defeated this political scheme, and proved the safeguard of the Union, as they will at the present time.

Sir, if the democracy and the people of the North have been found capable of withstanding such combined efforts as these, is it to be supposed that they will be seduced from their fidelity to the Union, and the duty which they owe to their fellow-citizens in other States, by the visionary and reckless schemes of modern abolitionists? No, sir; public opinion among the great body of the inhabitants at the North is sound; it was never sounder. I think I may say that those I in part represent are an intelligent people, and sure I am that they are a calculating and practical people, who will engage in no scheme or measure, however plausible or correct in theory, without looking to the consequences and practical results. They know their rights, springing from their federal relations, and are not less sensible of their duties both to the Union and the people of the other States.

But it seems to be thought, by some, that the slave States ought to have some better safeguard, against the designs and schemes of the abolitionists than public opinion. What better can they have, so far as respects the non-slaveholding States? Is it supposed that laws would be more efficacious? Sir, public opinion is the element of all power in this country: it is stronger than all laws; and without which laws are as the spider's web. Sir, I assert a principle which is confirmed by the history of the world. It is this: that evils existing in popular opinion can only be corrected by popular opinion. This is the rightful and proper remedy. This noble sentiment was beautifully expressed by Mr. Jefferson, when he said "that error of opinion can never be dangerous, as long as reason is left free to combat it."

All attempts to correct errors, on the subject of abolitionism, by legislation, would be like the attempts of a former age to put down heresy by penal laws. I do not speak of acts, but of opinions. The right of discussion, or the entire freedom of the press and of speech, as applicable to the subject of slavery as it exists in this country, must not be invaded or curtailed, to obviate any temporary evil, or to meet any particular emergency. This, sir, the people I in part represent will never submit to. Vigilant and jealous of their rights, they hold these privileges as too sacred to suffer them to be impaired in the slightest degree, as a means of correcting any temporary disorder. The entire freedom of discussion on this subject is, I verily believe, the only effectual means by which abolitionism can be checked and put down. Sir, truth and reason are the natural antagonists of error and delusion. If there are periods of excitement when their efficacy is impaired, they must be short, and the time soon comes when the voice of reason and the force of truth will sink deep into the heart of man.

Sir, I will make one more observation. The organization of a geographical party in any section of the confederacy, based on the supposed peculiarity of local rights and interests, or on sectional prejudices and animosities, against the people of another section of the Union, must ever be regarded as an evil of the most alarming character. The sagacious mind of that great and good man who, whether in the field or in council, was first among Americans, foresaw this danger, and in his last solemn testament warned his countrymen against it. He told us that artful and designing men would attempt to organize local parties, and acquire popularity and power by misrepresenting the feelings and sentiments of the people of one section of the Union towards those of another. This is the true secret of all such operations, and of the success, be it much or little, which attends them.

Sir, if there are at this time, either at the North or the South, any factious and restive spirits, men who are not above that last infirmity of noble minds, ambition, who have been disappointed in their attempts at acquiring power in the Union, or who are not satisfied with their prospects; if there are any such who are now seeking to organize a sectional party by agitating the question of abolitionism, let me conjure them, as they value their own reputations, as they regard the sacred Union of these States, as they cherish the peace and happiness of their fellow-citizens, to pause before they proceed in a career which, if it fail, will cover them with disgrace; if it succeed, will overwhelm their country with calamities, and confer on them the unenviable reputation of being the authors of them!

I have done, sir, with this branch of the subject. I have candidly, impartially, and fearlessly, declared what I believe to be the prevailing sentiments of the great body of the people, of all parties, in at least one of the States of this Union.

If what I have said shall have any effect, however small, to quiet the excitement, to allay unfounded alarms, or to inspire confidence in that quarter where danger is most apprehended, I shall be amply compensated for my labor.

I have not stated nor given any opinion as to the number of abolitionists there may be in Connecticut, nor will I say whether I think there is one person in ten, twenty, or one in a hundred, or one in a thousand of the population. I can however say, sir, that I do not know of a single individual who avows himself an abolitionist of the new school, and approves of the violent measures of the active agents of that cause. There may, however, be more than I suppose, but I am confident their number must be small.

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of the citizens of the Southern States. If they were good for food, the probability is that even the power of destroying their lives would be enjoyed by their owners, as fully as it is over the lives of their cattle. It cannot be that their laws prohibit the owners from killing their slaves, because those slaves are human beings, or because it is a moral evil to destroy them. If that were the case, how can they justify their being treated in all other respects like brutes, for it is in this point of view alone that negroes in the Southern States are considered in fact as different from cattle. They are bought and sold; they are fed or kept hungry; they are clothed or reduced to nakedness; they are beaten, turned out to the fury of the elements, and torn from their dearest connexions, with as little remorse as if they were beasts of the field.

"The Northern States can subsist as a nation, a republic, without any connexion with the Southern. It cannot be contested that if the Southern States were possessed of the same political ideas, a union would still be more desirable than a separation. But when it becomes a serious question, whether we shall give up our Government, or part with the States south of the Potomac, no man north of that river, whose heart is not thoroughly democratic, can hesitate what decision to make."—*Note by Mr. Niles.*

Sir, it now only remains for me to submit a few remarks on the particular question before the Senate; and as I have been anticipated on this point in some measure by the gentleman from New York, [Mr. TALLMADGE,] whose observations have been so full and satisfactory, I shall say less on this question than I might otherwise have done.

I briefly state my objections to the motion. I am opposed to it for two reasons: the first is, that I consider it wrong in principle, and a violation of the spirit of the constitution; the second is, I believe it inexpedient, and calculated to aid the cause of abolitionism. Sir, I have heard with surprise the very low estimate which some gentlemen seem disposed to put on the constitutional right of the people to petition Congress for the redress of grievances. Some Senators appear to limit and contract this privilege to the smallest possible point; to regard it as nothing more than a private right, or the privilege secured to individuals of applying to Congress for the redress of some private injury, as the payment of a just debt, or the obtaining compensation for private property taken or destroyed under the authority of the Government of the United States. As a nation cannot be sued, the right of petitioning in this limited sense must exist in all countries, whatever may be the form of government, and however despotic. I have a very different view of this question, and regard the right of petitioning as an important political right, and one which should be held sacred. This, like many other of our political principles, was derived from that country from whence our ancestors came: it is an English principle, and has been ingrafted into our institutions, as have many other principles of liberty, which owe their origin to that country. The right of petitioning was at an early period asserted by the people of England, and at different epochs has been recognised and established as a fundamental principle of liberty; and the ideas of our ancestors in regard to it were derived from this source.

I do not consider the right of petitioning as depending entirely on the first article of the amendments to the constitution; I believe it exists independent of that article, and is incorporated into the texture of the Government. It springs from the form and principles of our institutions. Sir, this is a popular Government—the sovereign power resides in the people—and the depositories of it were established by them, and rest on no other foundation than their will. Public functionaries of every description are the agents of the people, authorized to perform certain duties for their benefit. Does it not result from the very nature of a Government so entirely popular as this, that the people have a right to present their complaints or desires to Congress in relation to every subject?

Within some years past, as well as at former periods, we have heard much concerning the doctrine of instruction; and if that principle is a sound one, and can be sustained as incidental to our popular institutions, surely the right of petitioning cannot be questioned. The people, who appoint public agents, must possess the right to lay their complaints and wishes before them. I think, however, this great privilege is sufficiently secured by the first article of the amendments of the constitution. This guaranties the right of the people to assemble and petition Congress for redress of grievances. It has been contended that this provision goes no farther than to secure the privilege of petitioning for redress of personal grievances; and when it does not appear that petitioners complain of grievances to themselves, they have no right to come before Congress. This would be a very illiberal and unreasonable construction of this article in the constitution. It would be limiting it to cases of private redress only. It ought to receive a liberal and reasonable construction, favorable to liberty and the rights of the people. The intention, no doubt, was to secure an important political right; it is embraced in the same article which guaranties the liberty of speech and the press, and the free exercise of religion. It is also said that this amendment only provides that Congress shall make no law prohibiting the right of the people to assemble and petition; and that it does not prevent either House from refusing to receive a petition. This is a technical construction. The true import of the language is, that Congress shall do no act to take away or limit the right of petitioning. Whether Congress obstruct this right by law, or in any other way, the consequence is the same. It was remarked by the gentleman from Louisiana, that the people had a right to petition, and we had a right to refuse to receive their petitions. This is setting one right in opposition to another. If I held that Senator's note for one thousand dollars, this would give me the right to demand of him that sum of money; but if he possessed the right to refuse to pay it, my right would be of very little value.

Rights and duties are reciprocal; if the people have a right to petition Congress, it is our duty to receive them. I cannot consent to limit or restrain this right in any degree whatever. I would receive a petition, let the subject or prayer of it be what it might, even if it was to abolish this Government. The people have a right to present their wishes here, and I would receive them, let them be ever so extravagant or absurd. Are any evils to be apprehended from this? If the object of a petition is unconstitutional or absurd, we need not be afraid of it; and can dispose of such a petition with very little trouble. I cannot vote against receiving a petition for any other reason than its containing language insulting towards the Senate, or some member of it; and such a petition I would refuse to receive solely on the ground that I should not regard it as bonafide a petition; I should consider the petitioners as having made use of the forms of petitioning Congress, when their real purpose was to offer an insult to the Senate or some member of it. Like other bodies, we must protect ourselves from contempt or insolence. The Senator from Vermont [Mr. SWIFT] seems to consider that there is no difference between a motion that a petition be not received and a motion to reject the prayer of it. I think the difference is very great and material. The result, it is true, is the same in the latter as in the former case. The object of the petitioners, in coming here, is not attained; neither is it, if the petition is referred to a committee, or disposed of in any other way, unless Congress should come to a conclusion favorable to the views and wishes of the petitioners. In ordinary cases, it is true, it is usual and proper that there should be an inquiry, in some form, into the truth and merits of a petition; but when, from the face of the petition, it is manifest that the prayer cannot be granted, there is no occasion for an investigation, and no sort of impropriety in a motion to reject the prayer of the petition. It was, I presume, on this view of the matter that the honorable Senator from Pennsylvania [Mr. BUCHANAN] made the motion to reject the prayer of the petition now before the Senate. He regarded it as one of those cases which did not require an examination into the merits of the petition, and therefore moved that the prayer be rejected. This motion is very different from that under consideration, to refuse to receive the petition. In point of principle, the distinction is important; and we should be careful not to weaken or undermine any of the essential principles of liberty, of which the right of petitioning is one, and associated with those great political rights, the freedom of speech and the press, and the free exercise of religion.

But did not this motion involve any sacrifice of principle, did it not conflict either with the letter or spirit of the constitution, I could not vote for it. It is inexpedient, and calculated to keep alive, rather than to repress, the spirit of abolitionism. To refuse to receive their petitions is probably the very course the abolitionists would wish Congress to pursue. This would, at least, have the appearance of injustice, if not of persecution. Will you shut your doors in the face of American citizens who wish to present any subject, no matter what, before Congress? This will be furnishing them with a ground of complaint; it will excite sympathy, and tend to form a collateral issue, intimately connected with abolitionism; it would be putting a weapon into their hands, which they can use to advantage. I would not give this class of persons any advantages, by treating them unjustly, or denying to them any rights to which they are entitled in common with any American citizen.

They are now in the wrong; public opinion is against them, and I would be careful to give them no advantages; to do no act calculated to check the strong current which is setting against their proceedings. I should be sorry to see, either here or elsewhere, any course pursued towards these misguided and mistaken men, calculated to keep up an excitement, which the peace and best interests of the country require should be allayed. Nothing but injustice, or injudicious measures, in opposition to their proceedings, can prevent a speedy extinction of the spirit of abolitionism among an intelligent people, who, jealous of their own rights, will be careful not to invade the rights of others—a people with whom truth and reason bear a controlling sway, and public opinion is the supreme law, from which there is no appeal. Sir, I have done; my principal object was, to state freely and fully what I believed to be public sentiment on this subject, in its various aspects and bearings, in at least one of the Northern States, where early and persevering efforts have been made to introduce the principles and spirit of modern abolitionism; but, I am happy to say, with very little success.

When Mr. Niles had taken his seat,

Mr. LEIGH again complained that the gentleman from Connecticut had misrepresented what he had said; when,

On motion of Mr. BLACK,

The Senate adjourned, at 5 o'clock.

Tuesday, February 16.

ADMISSION TO THE FLOOR OF THE SENATE.

The resolution (on the table) offered by Mr. Buchanan, to allow each Senator to introduce three ladies into the lobby of the Senate, was taken up for consideration.

Mr. TIPTON moved to lay the resolution on the table: Yeas 16, nays 18.

A debate then arose on the motion, in which Mr. KNIGHT, Mr. BUCHANAN, Mr. KING of Alabama, Mr. PORTER, Mr. LINN, and Mr. CALHOUN, took part.

Mr. KNIGHT moved to amend the resolution by striking out "ladies," and inserting "persons."

Mr. LINN moved to amend the resolution by striking out all after the word "Resolved," and inserting:

"That the circular gallery be appropriated to ladies and such gentlemen as may accompany them; and that each Senator be allowed to introduce there three gentlemen."

Mr. PORTER moved to refer the whole resolution to the select committee: Yeas 17, nays 22.

The amendment offered by Mr. Knight was then negatived: Yeas 19, nays 20.

The question being on the amendment moved by Mr. Linn, a further debate took place, in which Mr. BUCHANAN, Mr. CALHOUN, Mr. LINN, Mr. NILES, Mr. NAUDAIN, and Mr. WRIGHT, participated.

Mr. NAUDAIN moved to amend the amendment by striking out the last clause; which was negatived.

Mr. MOORE moved to lay the subject on the table.

The yeas and nays being ordered, on motion of Mr. BUCHANAN, the question was decided as follows:

Yeas—Messrs. Benton, Clayton, Grundy, Hendricks, Hill, Hubbard, Linn, McKean, Moore, Morris, Porter, Prentiss, Ruggles, Shepley, Tallmadge, Tipton, Webster, White, Wright—19.

Nays—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Kent, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Naudain, Niles, Preston, Robbins, Southard, Swift, Tomlinson, Tyler, Wall—25.

The question was then taken on the amendment moved by Mr. Linn; the yeas and nays being called, it was decided as follows:

Yeas—Messrs. Benton, Brown, Hendricks, Hill, Hubbard, Linn, Porter, Prentiss, Ruggles, Shepley, Tipton, Wright—12.

Nays—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Kent, King of Alabama, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Niles, Preston, Robbins Southard, Swift, Tomlinson, Tyler, Wall, Webster, White—31.

The question was then taken on the original resolution, by yeas and nays, and decided as follows:

Yeas—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Kent, King of Alabama, King of Georgia, Leigh, Mangum, Preston, Robbins, Tomlinson, Tyler, Wall—20.

Nays—Messrs. Benton, Clayton, Grundy, Hendricks, Hill, Hubbard, Leigh, Linn, McKean, Moore, Morris, Naudain, Niles, Porter, Prentiss, Ruggles Shepley, Southard, Swift, Tallmadge, Tipton, Webster, White, Wright—24.

So the resolution was rejected.

Mr. KING, of Alabama, then laid on the table a resolution to appropriate one third of the circular gallery to the ladies, exclusively; which lies over for consideration.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

The Senate proceeded to the consideration of the petition on the subject of the abolition of slavery in the District of Columbia; when

Mr. MANGUM, on account of the indisposition of Mr. Black, moved to postpone the consideration of the subject until to-morrow.

Mr. LEIGH said he had seen in a morning paper a very odd account of an incident that occurred at the close of yesterday's debate. He then read from the Telegraph the following passage:

"Mr. Niles proceeded till he got to Mr. Leigh, to whom he ascribed an expression in regard to abolition at the North.

"Mr. Leigh explained. He had uttered no such words, and no such sentiment.

"Mr. Niles waived a reply, and proceeded through his manuscript, interspersing and closing it with various extemporaneous arguments. When he had done, at half past four o'clock,

"Mr. Leigh again repeated that he had uttered no such sentiment as Mr. N. had ascribed to him, and asked, as an act of justice, that Mr. N. would insert this disclaimer in his speech, when published.

"Mr. Niles had got the expression from the Globe. He was unwilling to trust Mr. Leigh's disclaimer; but, if Mr. L. would prove to him that he had made no such expression, he would run his pen across it."

According to this account (said Mr. Leigh) the grossest of all insults was intentionally given to me, and patiently submitted to. I cannot suffer this account to pass unnoticed. The substance of the conversation was this:

After the Senator from Connecticut concluded his remarks, I rose, and, referring to that passage in his speech in which he professed to state what I had said in the debate on this subject—the passage ending with attributing to me a declaration that Doctor Channing's book had convinced me there was something rotten in Denmark—I said that I had understood the Senator from Connecticut to say he had not heard my speech; and he signified that I had understood him aright. I then said that I supposed he must have found the sentiments he imputed to me in some printed account of my remarks. He assented. I asked him where. He answered, in the Globe. I then remarked that I had hardly ever taken the trouble to correct misrepresentations of my conduct or language in the newspapers, simply because whatever public man should undertake that task would have to devote his whole time to it; but that, when language and sentiments which I never uttered were imputed to me by a Senator in his place, and in my hearing, to permit such a misstatement to pass without correction would be to acknowledge its justness. That, therefore, I desired of the Senator from Connecticut, as an act of justice to me, that, when he should publish his speech, he would put a note on the passage alluded to, informing his readers that I declared in my place that I had uttered no such words and no such sentiments.

The Senator from Connecticut said he had taken his information, as to what I had said, from a report in the Globe, which he took to be a very honest paper; and that, if I would satisfy him that I had not delivered such sentiments, he would run his pen through the whole passage; he would expunge it.

The requisition on me to satisfy him (after what had passed) was, to be sure, taking the Senator's words in their natural import, offensive enough, though I did not then, nor do I now, believe the offence was intended. But I rose and said I had not intended to take, and certainly should not take, the least pains to satisfy him; that all I desired was not to be misunderstood by the public; and that, if the language and sentiments which the Senator had ascribed to me were imputed to me by the report of my speech in the Globe, it was a gross, and, I did not doubt, a wilful misrepresentation; that it imputed to me that which was not only never said by me, but the reverse of what I did say, as every gentleman who heard the speech could avouch; and, in truth, I had not supposed it possible that any human being could misunderstand the language and temper of that speech.

After some remarks from Mr. NILES,

Mr. LEIGH rose and asked that gentleman to say explicitly whether he intended to doubt the sincerity of his disclaimer of the language and sentiments ascribed to him.

Mr. NILES said that he had already denied having any such intention; that he never pretended to give the precise words made use of by the gentleman, but only the construction which he thought they were fairly susceptible of.

Mr. LEIGH replied that, in that case, he had no further remark to make, except that he was wonderstruck that any human being could put such a construction upon the portion of his remarks in question.

The motion to postpone was agreed to.

The Senate now proceeded to the general orders; and, after disposing of the business on the table,

Adjourned.

Wednesday, February 17.

CUSTOM-HOUSE AT NEW ORLEANS.

Mr. PORTER said that he held in his hand two presentments from two successive grand juries of the district of New Orleans, in which the dilapidated state of the custom-house of New Orleans is brought under notice. They represent, sir, (said Mr. P.,) what is well known by every person acquainted with the subject, that the building at present appropriated for the purpose of carrying on the fiscal operations of the United States in that city is wholly unfit for the purposes for which it was erected; and that it, and the lot on which it is placed, are now a public nuisance. Sir, the circumstances connected with the erection of the present custom-house in the city of New Orleans furnish a lesson which, I trust, will not be disregarded in the action which may now be had on this matter, and which I hope will particularly be noticed by the committee to which it is referred.

It is now (said Mr. P.,) I think seventeen or eighteen years since the building used for the purpose of collecting the revenue in the capital of Louisiana was found inadequate to the rapidly extending commerce of that city, and an appropriation was made to construct a new one. Instead, sir, of those to whom the task of controlling its erection was intrusted looking to the position of the city, and its inevitable and vast increase at no distant time, they turned their attention to have the smallest house within which the business could be done put up; and, in their passion for economy, they determined to have it built on the cheapest possible terms. The result (said Mr. P.) has been, that the money so unwisely laid out has been nearly a total loss. Another must now be erected, when, if one looking to the probable business of the place had been put up in the first instance, no call would now be necessary on the treasury. While I am up, (said Mr. P.,) I will take occasion to say that there can be no economy so injurious as that which in the erection of public buildings looks merely to temporary utility and temporary duration. They should be made, sir, to last as long as the republic; and, in their solidity and grandeur, should bear some analogy to the nation that constructs them. This observation, sir, true in all times and all circumstances, is peculiarly so in relation to those which may be put up in New Orleans, where extraordinary commercial advantages destine it, and that at no distant time, to be the first commercial emporium on earth. Mr. P. concluded by moving that the presentments be referred to the Committee on Commerce.

The presentments were accordingly so referred.

NATIONAL DEFENCE.

The Senate proceeded to the consideration of the special order, being the resolution introduced by Mr. Benton for appropriating the surplus revenue to objects of permanent national defence.

Mr. WRIGHT, who was entitled to the floor, rose and addressed the Chair as follows:

Mr. President: I took the floor on Friday last, to detain the Senate with any remarks of mine, in the course of this debate, with extreme reluctance; a reluctance arising from the manifest desire of this body to terminate the discussion, and come to the question. The reluctance thus felt was greatly increased by the knowledge that many members, upon both sides of the House, understood that the debate was to close with the closing speech of the mover of the resolutions, [Mr. Benton,] and that the question was to be taken when he should resume his seat. My own desire that the resolutions should receive, if possible, the unanimous vote of the Senate, still further increased my unwillingness to protract the discussion, as, in the then state of things, I considered it very desirable to have the vote of the Senate upon the resolutions, and the resolutions themselves, to go to the country with the message of the President announcing the mediation of England in our difficulties with France, that the sense of this body, as well as the message, might exert a beneficial influence, not only throughout our own country, but upon the other side of the Atlantic.

So strong, Mr. President, was my anxiety upon this point, that, even after the remarks made by the Senator from Virginia, [Mr. Leigh,] who followed the Senator from Missouri, [Mr. Benton,] I had consented, exceptionable in principle and practice as I considered those remarks to be, not to reply to them, but to let the question follow the speech of the Senator from North Carolina, [Mr. Brown,] he having succeeded the Senator from Virginia [Mr. Leigh] in the debate. When, however, the Senator from Ohio [Mr. Ewing] felt it to be his duty again to take part in the discussion, and not only to continue the debate, but, as to most of the essential points, to take the same ground which had been occupied by the Senator from Virginia, [Mr. Leigh,] my reluctance to obtrude myself upon the attention of the Senate yielded to a sense of the imperious obligation resting upon me as a member of the body, and as a representative, in part, of one of the States of this Union, not to permit positions so erroneous, and so dangerous in their tendencies, to be assumed and repeated without reply. My principal object in asking the floor had this extent—to reply, somewhat at large, to the remarks of these two Senators touching our relations with France, the difficulties which had grown out of them, and the duties of our Government, as heretofore discharged, or hereafter to be discharged, in reference to the settlement of those difficulties.

I had intended particularly to reply to the position assumed by the honorable Senator from Virginia, [Mr. Leigh,] that it was permissible, for any cause, or under any circumstances, that a foreign Government should interpose itself between the President and Congress; that any foreign Government should have the right to ask and that it should be the duty of any department of our Government to make, either explanation or apology (by whichever term the gentleman may choose to characterize the demand) touching any matter contained in any communication from the President of the United States to the Congress of the United States, or from the Congress of the United States to the President of the United States.

[Here Mr. Leigh asked leave to explain, and Mr. W. yielded the floor to him for that purpose. He said the question discussed by him was not whether the explanation or apology ought to be made, because it had been conceded on all hands that the requisite explanation had been made in the last annual message from the President to Congress, but in what manner that explanation should reach the French Government; whether by direct communication, in the ordinary course of diplomatic correspondence, or indirectly, by being contained in a message to Congress; and that he had contended that the former mode, of direct diplomatic communication, was preferable.]

Mr. W. resumed. The question is understood alike by the gentleman and myself. He will not pretend that the annual message from the President to Congress, or any other message from that officer to this body, is a communication, in any sense, directly or indirectly, to a foreign Government; that such messages are ever transmitted upon the demand or requisition of a foreign Government; or that any foreign Government can, in any proper view of the subject, be considered, directly or indirectly, as a party to these communications. They cannot, then, be termed either explanations or apologies to a forein Power; and the question returns, are we to permit any foreign Government to interpose itself between these two branches of our Government, and demand either explanation or apology in reference to the communications passing between them? No, never, Mr. President, while we remain an independent nation.

I had also intended, said Mr. W., to have replied particularly to the position assumed by the honorable Senator from Ohio, [Mr. Ewing,] that things had better remain precisely as they then were, or as we supposed they then were, than to have a war with France; in other words, to give what I understood to be the purport of the Senator's position, we had better yield the execution of the treaty on the part of France, than to insist upon its fulfilment at the expense of a war.

I am prevented, Mr. President, by the news which has reached the country since this subject was last under the consideration of the Senate, from replying to either of the gentlemen, or to any other gentleman who has addressed the Senate in the course of this debate touching our French relations; and, consequently, I am prevented from making a reply to the two positions I have just stated, and which I have considered more exceptionable and dangerous than any other assumed by the gentleman. The information I have received through the public press, and otherwise, has entirely satisfied my mind that our difficulties with France are definitively and amicably settled; that the money due under the treaty has been, many days since, actually paid; that the French Government have considered the last annual message of the President entirely satisfactory as to the offence they assumed was contained in the preceding one; and that diplomatic relations between the two countries will be speedily resumed upon a friendly footing. I announce these convictions with the highest feelings of gratification; and entertaining them, as I do, without the shadow of a doubt, it would be in the extreme improper, in my estimation, for me here to discuss any topic connected with, or involving in any manner, our relations with France, or to reply to any remarks which have fallen from Senators in that portion of the debate which has transpired touching those relations.

I have, Mr. President, entered my distinct dissent from the two positions to which I have referred—the one assumed by the Senator from Virginia, [Mr. Leigh,] and the other by the Senator from Ohio, [Mr. Ewing;] and beyond that, for the reasons I have given, I must content myself, as to this portion of the debate, with simply saying to those who, since the transmission of the last annual message of the President to Congress, have pronounced our Government in the wrong in this controversy with France, that France has not thought so; to those who have considered it the right of France to interpose between the President and Congress, and to demand explanations or apologies as to any thing contained in his messages to this body, that France has withdrawn her claim to any such right; to those who have contended that it was better for us to yield the execution of the treaty on the part of France, to give up our protection of our commerce upon the high seas, to surrender the rights of their citizens to indemnity for depredations upon that commerce, after those rights have been acknowledged and liquidated by the most solemn of all obligations between nations, the execution of a treaty for the payment of the claims—to surrender, in short, our national honor, by the concession that we cannot defend that honor, and its consequence, the safety of our commerce and the interests of our citizens, I must also content myself with saying that such have not been the views of the present administration of our Government. That administration has considered it to be its highest duty to insist upon the execution of solemn treaty stipulations, to protect the rights and interests of our citizens, and the safety of our commerce, and, above and beyond all, to preserve the honor of the country against every assault or imputation, from whatever quarter that assault may be made, and at whatever hazard, even the hazard of an appeal to the *ultima ratio* of nations.

Beyond these remarks, Mr. President, I must confine myself to the resolutions before the Senate, with such very brief replies to a few remarks made in the course of the debate as I may find it my duty to make, excluding any reference to our foreign relations.

And here (said Mr. W.) I must be permitted to say, if I understand the resolutions in their present shape correctly, that the information of the settlement of our difficulties with France does not, in the slightest degree, affect their object, or the action of the Senate upon them. They propose a permanent system of defence, external and internal, for the whole country—a system of defence which does not contemplate war, but the preservation of peace and security. I cannot better illustrate my understanding of the object of the resolutions than by detaining the Senate to read them. They are as follows:

"*Resolved*, That so much of the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country.

"*Resolved*, That the President be requested to cause the Senate to be informed--

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

"2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field pieces) for their militia, and with sidearms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

"4. The probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

Thus it will be seen at a single glance that the object is not to prepare, temporarily, for an impending or contemplated war, but for the permanent and durable defences of the whole country against all dangers which may assail its peace and disturb its quiet, whether foreign or domestic, whether having their rise from without or from within. The pledge is general, for the "permanent security" of the country, and the inquiries are as broad as the whole Union, and cover all its great interests in reference to defence of coast, lake, gulf, and land frontier, and every internal means of "general defence and permanent security" of armories, arsenals, and arms. They also cover the naval defences of the country, and constitute, in contemplation, a permanent and durable system, in every sense in which I am able to comprehend that such a system could be adopted, with proper regard to the respective interests and perfect security of the whole country, and of all its great interests, external and internal. They do not, either in their language or design, contemplate immediate war, but they look to a state of defence and security against any and every war which may come upon the country in all future time.

For the accomplishment of this great and paramount national object, the resolutions rely upon the surplus moneys in the treasury, after the ordinary and necessary appropriations for the support of the Government in its various departments shall have been paid, including the ordinary appropriations for the gradual improvement of the navy, and for the gradual progress in the construction and completion of the fortifications already commenced, and not any interference with those appropriations. Their object is to hasten the completion of perfect and secure defences, by the application of moneys in the treasury not required for any other national object, but not to interrupt the course of the Government in any of the other great interests for which the ordinary annual appropriations are made. They propose to pledge, not the revenue, but so much of the surplus revenue as may be necessary to this great object.

The resolutions, then, Mr. President, or rather the first resolution, is, I apprehend, in the precise shape in which it should remain to meet the object the mover of the resolution had in view, and which I have in view in supporting them. This resolution is designed to act upon the surplus revenue only--upon that portion of the public moneys which shall remain in the treasury after all the ordinary calls upon that treasury have been fully answered; and it proposes to pledge so much of that surplus, "as may be necessary for the purpose," to the great object of permanent national defence and security. Am I right in my construction of this resolution in its present shape? If so, the amendment of the Senator from Delaware, [Mr. Clayton,] to strike out the word "surplus," ought not to prevail. That amendment will, to my understanding, change the whole character of the resolution, and destroy entirely the pledge designed to be made. The object is to set apart and apply to the general defence and permanent security of the country so much of the surplus of the revenues of the nation as may be necessary for that object; and if the form of the resolution be so changed as to apply its action to the revenues generally, and not to the surplus, it may be so construed as only to contain an expression that we will appropriate, for the present year, so much of the public money to the various purposes of defence as we may think proper and necessary, and nothing will be "set apart" for defences which is not actually appropriated by the appropriation bills of the year. Any surplus which may then remain in the treasury will be open to any other disposition which Congress may choose to make of it, without any infringement upon the pledge given by the resolution. This I do not understand to be in accordance with the object of the resolution. That object is to set apart a fund, such as may be necessary, to be exclusively applied to the defences of the country, naval and military, and to constitute that fund of the surplus which shall remain in the treasury after the ordinary appropriations of the present and of each succeeding year shall have been paid. In other words, I understand the object to be to carry on the business of putting the country in a complete state of defence, internal and external, as rapidly as the means in the treasury will allow, without interference with the usual and necessary annual appropriations, in case the moneys which may be applied to this object can be economically and usefully expended as fast as they accumulate; but, if they cannot, that a permanent fund be "set apart" from these accumulations, sufficient to accomplish the end in view, at the earliest practicable period. Surely, then, the word "surplus" should be retained in the first resolution, that the pledge may be made effectual and operative, and that the means to accomplish this vital object of national defence may be secured from the surplus moneys in the treasury, before any other disposition shall be made by Congress of the present or any future accumulation of means beyond the ordinary annual wants of the country.

I have said, Mr. President, that I would vote for the resolution, whether this amendment should or should not prevail. I still retain the same opinion, but I am bound in candor to say that, when the amendment was first proposed, I did not think it at all important, and rather derived the impression that, if it could be considered as changing the character of the resolution at all, it must be held to go beyond the object of the mover, and more rapidly than he proposed to go. Upon reflection, I am satisfied that I did not correctly appreciate the force and bearing of the word "surplus," proposed to be stricken out, and that, without that word, we shall merely resolve that we will appropriate for this single year so much of the money in the treasury as a majority of this body shall believe "may be necessary and can be usefully expended towards the general and permanent defences of the country," while the surplus, if any, in the treasury will not be "set apart" or pledged to this great object, but will remain subject to any disposition which Congress may choose to make of it, without an infraction of our resolution. Our purpose to defend the country will be declared, but the means to do it will not be "set apart" by our expression. For these reasons I hope the proposed amendment may not prevail, and that the first resolution may retain its present form.

There is, Mr. President, another amendment proposed to this resolution, upon which I must trouble you with a single remark. I refer to the proposition of the Senator from South Carolina [Mr. PRESTON] to strike out the whole resolution after the word "*Resolved*," and to insert the following:

"That such appropriations as may be necessary for the purpose ought to be made, to carry on the system of general defence and permanent protection of the country."

This amendment, if adopted, will make the resolution much more vague and unmeaning than to adopt the amendment of the Senator from Delaware, to strike out the word "surplus." Indeed, if I rightly comprehend this proposition, it merely declares that we will, for the present year, make the same appropriations for the defence of the country which have been regularly and uniformly made from about the close of our late war with Great Britain to the present time, the appropriations of the last year being alone excepted. Is it, then, Mr. President, necessary for us to declare, by a resolution, that we will not now stop the ordinary appropriations for defence which have been regularly made for nearly twenty years last past? Does any member of this body contemplate, for a moment, that those very limited appropriations will be either suspended or diminished? Surely, then, we cannot be asked to adopt this amendment. The resolutions under debate propose to accelerate our progress in the work of defence, by the application of the surplus revenues of the country to that work. This amendment proposes to "carry on the system" as it now exists, and has been carried on for the period I have mentioned. The resolutions propose to extend our system of defence, and make it universal and applicable to all dangers, external or internal. The amendment proposes to carry on "the system" now in progress, without extension. I need not say more to satisfy the Senate that the adoption of this amendment would be an entire defeat of the resolutions offered by the Senator from Missouri.

Mr. President, if the resolutions retain their present shape, they are, as has been said by the mover of them, antagonist to the proposition of the Senator from South Carolina, [Mr. CALHOUN,] to divide the surplus revenue among the States. Both propositions act upon the same money, and propose very different dispositions of it. The former proposes to expend it, or so much of it as may be necessary for the great object of national defence. The latter proposes to give it to the States, to be expended at their pleasure, not for national, but for State, objects. They are, therefore, directly antagonist. I think the resolution, also, equally antagonist to the measure introduced by the Senator from Kentucky, [Mr. CLAY,] and known here by the designation of "the land bill." It is not now my purpose to inquire how far the principles of this measure and of that proposed by the Senator from South Carolina are the same, and wherein they may differ. They both propose a distribution to the States of a sum equal to the whole surplus in the treasury. They both act upon the same money, and the resolution before us, proposing to set apart so much of that surplus as may be necessary to be expended upon the national defences of the country, must be equally antagonist to both, because it proposes to apply in a different manner, and for a very different purpose, a part, or the whole, of the fund upon which both the other propositions act.

Much has been said by several gentlemen in the course of the debate, as to the amount of this surplus. I have, Mr. President, used my best efforts to inform myself truly upon this point, and I will now give to the Senate the result of my inquiries. I sought the information at the Treasury Department, because I knew of no other place where correct and certain information could be obtained upon the point; and the statement I am about to make is one prepared from information communicated from the head of that Department, and rests upon the authority of the accounts of receipts and expenditures kept in that office, with very trifling exceptions, which will be seen to be matters of estimate. I have found it necessary to give this result in the dry form of figures and arithmetical deductions; but I have compressed it into as small a compass as was possible, and in that form I will give it to the Senate.

The money in the treasury, on the 1st January, 1835, was $8,892,858.

The collections of the first three quarters of the year 1835, as ascertained before the Secretary's annual report was made, were $23,480,881.

The collections of the fourth quarter of 1835, as far as those collections have been yet ascertained, are $10,919,852.

In addition to these sums, the Secretary now estimates that there will remain, to be added to the receipts of the year 1835, as part of the collections of the fourth quarter, not yet ascertained, $230,000.

This will show an aggregate of means, for the year 1835, of $43,523,591.

Deduct from this aggregate the expenditures of the first three quarters of the year 1835, as ascertained before the annual report of the Secretary was made, $13,376,141.

Deduct also the actual expenditures of the fourth quarter of 1835, as now ascertained with sufficient accuracy for this calculation, $4,050,000—$17,426,141.

And then there will remain an apparent surplus of $26,097,450.

From this apparent surplus, the following deductions must be made to ascertain the real surplus, viz:

1st. The unavailable funds in the treasury, which constitute a part of the balance remaining in the treasury on the first day of every year, as shown by the accounts, $1,100,000.

2d. The amount of outstanding appropriations, being sums appropriated by law, but which have not been called for at the treasury at the close of the year. This amount is an estimate, but it is arrived at by making a deduction from the whole amount of outstanding appropriations of all such portions as are supposed likely not to be called for, and, consequently, to pass to the sinking fund. It is, therefore, in all probability, sufficiently small—$7,595,574.

3d. The estimate of expenditures for the fourth quarter of 1835 was $4,800,000. The actual expenditures of the quarter, as ascertained and above given, have only been $4,050,000, leaving a balance of the estimate over the expenditures of $750,000. As the estimate is made from claims known to exist against the treasury, the reason for this difference between the estimated and the actual expenditures for this quarter has grown out of the fact that an amount of these claims, equal to the difference of $750,000, has not been presented for payment within the quarter, which, it was anticipated, would be presented and paid. The claims, however, remain, and must be paid in 1836, and, therefore, this amount of outstanding appropriations, not having been included in the general estimate of outstanding appropriations last above given, because it was not expected they would be outstanding at the close of the year, should also be deducted, $750,000. Making $9,445,574.

These sums deducted, leave the true surplus of money in the treasury on the 1st day of January, 1836, that being $16,651,876.

It is due to the Secretary of the Treasury that I should, in this place, give to the Senate his explanation of the very great difference between the revenue anticipated and the actual revenue received, for the fourth quarter of the last year.

The actual receipts into the treasury, as already ascertained, during that quarter, are $10,919,852.

The Secretary estimates that there has probably been collected, and not yet ascertained at the Department, a further amount, during the same quarter, of $230,000.

Showing the whole probable receipts of the quarter to be $11,149,852.

In his annual report on the state of the finances, the Secretary estimated the revenue of this quarter at $4,950,000.

Which sum, taken from the now ascertained and estimated receipts of the quarter, will leave an excess beyond his anticipation of $6,199,852.

The receipts from the sales of public lands during the fourth quarter of 1835, beyond any reasonable anticipation formed upon past experience, account for a very large share of this excess. There was paid into the various land offices, during the last two months of that quarter, the following amounts:

In the month of November, 1835, $1,776,000; in the month of December, 1835, $2,340,000. Making a total of receipts from the sales of land alone, during those two months, of $4,116,000.

These immense sales, too, were made when no important public sales were advertised to take place, or did take place. The payments which constitute this great total were almost exclusively made upon lands purchased at the Government minimum price; in other words, taken, as I believe the phrase is, at private entry. The proceeds from lands for these two months, thus obtained, have more than equalled many former years, and have by far exceeded the receipts of any two former months, and any thing which could have been anticipated in the absence of important public sales.

Another cause of the excess of receipts over the estimate for the fourth quarter of 1835, given by the Secretary, is, that the apprehension of a war with France, and of consequent commercial interruptions and disturbances generally, produced an increase of importations within that quarter far beyond any anticipation entertained by him, and far beyond any former example. The actual collections of duties at the port of New York alone, not including the bonds taken and not falling due within the quarter, I think the Secretary assured me, amounted to full $5,000,000, a sum almost equal to an ordinary half year's collection of revenue at that port. These two sources of revenue, so immensely and so unexpectedly swelled beyond any former precedent, have principally produced the excess of $6,000,000 in the revenues of the last quarter of the last year.

To return now, Mr. President, to the resolutions. Having seen what are the means in our hands to give them force and application, what, let me ask, are the considerations which call upon the Senate for their adoption? The first and most prominent, and one which appears to my mind entirely controlling, is the defenceless state of the country. That the country is defenceless seems now to be conceded by every Senator who has addressed the Senate upon this subject. We have the fact before this body, from sources entitled to our peculiar confidence. The chairman of the Committee on Naval Affairs [Mr. SOUTHARD] gave us, in the course of his remarks, a detailed account of the condition of the navy, and of our force afloat and in service. Sir, it does not amount to a navy at all, compared to the extent of coast we have to defend, and the immense and widespread commerce we have to protect. A single ship of the line, I believe, two or three frigates, and a few schooners and sloops of war. I will not pretend to be accurate in the enumeration the honorable chairman gave us, but I must say it was almost equivalent to no force at all upon the ocean, in comparison with what will always be required for defence and commercial protection. We have received, also, from the honorable chairman of the Committee on Military Affairs [Mr. BENTON] repeated accounts of the condition of our fortifications and land defences. But one commercial town in the whole country, at the most, in any condition to be defended against an attack by sea. With one or two exceptions, not a gun in any of your forts, and no preparations for mounting them if they were there. Nearly all the public works which have been commenced for the purpose of defence remain in an unfinished state, and cannot be made useful and secure without further large expenditures. The militia of the country badly armed, or entirely without arms, and all those portions of the Union most exposed to savage incursions or domestic insurrection, without armories and arsenals, from which arms may be obtained in cases of emergency and danger. Such, sir, is my recollection, very briefly sketched, of the picture we have often had presented from the chairman of the committee of this body more especially charged with the subject of our land defences. Surely, then, if an entirely defenceless condition, both by sea and land, can urge us onward in the great work to which the resolutions invite us, we have a consideration here for their passage, stronger than any friend to them could wish.

Mr. President, so clear and so palpable to the mind of every statesman, and to the feelings of every patriot, was the truism conveyed by the words of the Father of his Country, "in peace prepare for war," that those words have grown into a maxim which has remained undisputed for half a century. If the principle conveyed in this maxim be sound, and was ever practically applicable to any Government upon the earth of which history gives us any account, with how much more force does it apply to the Government of the United States at this moment? Sir, what is our pecuniary condition? Without a dollar of debt; in the midst of prosperity in every department of business, so abundant as almost to endanger plethora; at peace with all the nations of the earth, and only momentarily disturbed by an Indian insurrection of limited extent, the danger from which has undoubtedly subsided before this hour; with sixteen and a half millions of dollars in the national treasury, upon which the ordinary wants of the Government make no call. This is our condition; and shall we resist this call for the nation's defence, made under circumstances such as I have described? We cannot—we shall not.

Applicable to some portion of this body, Mr. President, is another consideration, which I feel bound to notice, and which appeals strongly to those to whom it is applicable for the passage of the resolutions, and the carrying out, to their full extent, the principles expressed by them. The present administration has been extensively complained of in the course of the debate, for not having, during the six or seven years of its existence, put the country in a state of defence. The honorable Senator from Delaware [Mr. CLAYTON] met the question fairly, and placed his complaint upon the ground that the administration had adopted the principle that the national debt must be paid in preference to the conversion of the surplus moneys of the treasury to an increase of the navy and other works of defence. This is so, sir. I am aware there is a wide difference of opinion between the political parties of this country, in relation to the policy of paying off and finally extinguishing the national debt. The administration has adopted the democratic policy, that plain policy which governs every prudent citizen in the management of his private affairs; and has considered itself bound in honesty and honor, so far as the laws of Congress left the money of the Government to its disposition, to apply every dollar of that money, not required for the necessities of the country, to the payment of the public creditors. To discharge the country from debt has been its first and highest pecuniary object; to put it in a state of defence and security against external and internal danger stands next in the course of its policy. It is not my object, Mr. President, at this time, to discuss the question whether the payment of a national debt be or be not a wise and sound policy. It is the policy which meets my most earnest and lively approbation. It is the policy of the constitution; for the language of that instrument is, "The Congress shall have power to lay and collect taxes, duties, imposts, and excises." For what? Mr. President. First, "to pay the debts;" second, "to provide for the common defence." These are the constitutional uses to which the money of the people, in the national treasury, may be applied; and this is the order in which those purposes are mentioned in that sacred instrument.

The honorable Senator from Virginia [Mr. LEIGH] inquired, why did not the friends of the administration, when they had the power of the Senate, and the power of the formation of the committees of the Senate, make these provisions for the defence of the country, if they were considered so necessary? My answer to the Senator has just been given. The administration and its friends considered their first duty to be to pay the national debt. In that duty they proceeded as rapidly as the funds of the Government and the legislation of Congress would permit them to go; but, before it was accomplished, and the debt paid, the power of this body passed from their hands, and with it the power of forming its committees.

Mr. President, among the objections to the passage of these resolutions, which the debate has drawn forth, none has been heard by me with so much surprise as that made by the Senator from South Carolina, [Mr. CALHOUN,] that "to arm is to declare war." I believe, sir, this principle was laid down by that honorable Senator in reference to a rupture with France, which, at the time he spoke, we all had some cause to apprehend; but is it sound, as applicable to the condition of our country then as now? Is it a principle which should govern the statesman, as applicable to any country at any time, and under any circumstances? I contend it is not, but precisely the reverse is the truth; that to arm and fortify, and be prepared for defence, is to preserve peace. What country is most liable to attack in the conflicts and collisions which will arise between rival nations? That one whose defences are strong and adequate, or that one which is exposed and defenceless? It surely requires no great skill, as a statesman or diplomatist, to answer so plain a question; and the answer must establish my position, and overturn that of the Senator.

I will next proceed, Mr. President, to reply to some remarks which have fallen from the honorable Senators, touching the extent to which appropriations for defence ought to be carried.

The Senator from Kentucky, [Mr. CRITTENDEN,] whom I do not now see in his place, treated these appropriations as local, and calculated merely to benefit the portions of the country where the moneys are to be expended. Pursuing this train of argument, he said he was not willing to devote the whole surplus to defences, to the construction of fortifications, to the building of ships, to the supply of ordnance, to purchase of swords and pistols; that he could not consent to yield all to the coast and frontier, while the interior, and the State he had the honor in part to represent here, was to receive nothing; that he could not grant all for war; but a portion must be reserved for the purposes of peace. Was the gentleman correct in considering appropriations of money for the defence of the nation as local appropriations? as appropriations partial in their character, and calculated only to benefit the small districts of country wherein the moneys are to be expended? Will he, upon reflection, persist in governing his action by this rule? Is not our whole country one country? Are we not one people? Is not the blow of an enemy, strike where it may, a blow at us all? And is not the defence of any point equally, to that extent, a defence for the whole country? Are appropriations for building ships local appropriations, because those ships are to traverse the ocean, and not the interior of the country? Because they are to meet and beat off an enemy before he reaches our soil, and not to meet him in the heart of the country? Has the gentleman considered the two acts we have passed during our present session, making appropriations towards the expenses of the Indian war at this moment waging in Florida, as local appropriations for the benefit of Florida? The assault of the enemy has been local, as the assault of any enemy ever must be; but is not the offence national, and the work of defence national and general? I am sure, Mr. President, the Senator will see the impropriety of this objection, and abandon it.

The Senator further spoke of a demand for the ploughshares of his constituents to be converted into swords, and said they could not surrender them for that purpose. He mistakes the calls of the resolutions. Their object is not to convert the ploughshares of Kentucky into swords, but so to defend the country that the worthy husbandmen of that and all the other States may hold their ploughs and till their grounds in peace and security, without danger from a foreign or domestic enemy. That is their object, and the money is now in the treasury of the nation to accomplish this great national and constitutional object; and the true question is, shall it be appropriated for that purpose, or shall it be expended for the gentleman's purposes of peace? He did not specify what purposes of peace he had in view, but I inferred from his remark that roads, canals, and other works of internal improvements, were what he intended. Is it wiser to neglect our national defences for these objects, or first to use the money of the nation to put the whole country in a state which will enable it to defend these works against an invader when they shall be made? I consider the most effectual appropriations for purposes of peace appropriations for defence; and I again repeat, what I have already attempted to show, that the surest way to preserve peace, to an extensive, rich, and prosperous country like ours, is to be prepared to defend ourselves promptly and effectually against war, come from what quarter it may.

Again. The Senator says the country has not been hitherto defended by fortifications and a navy; and he asks, with much emphasis, were not the people of former days as patriotic as we are? Let me ask the Senator, does he suppose that our fathers of the Revolution, that the old Congress, if they had had sixteen and a half millions of dollars at their command, would have proposed to divide it out among the colonies, "for purposes of peace," instead of applying it to the national defences?

Does he suppose that the brave men of the late war, who interposed their persons and lives against the march of an enemy upon our soil, would have neglected the business of permanent defence, if the country had been in the possession of means to prosecute that work? Does he believe that his brave and gallant constituents (and I most cheerfully concede to them bravery, and gallantry, and patriotism, not surpassed by the citizens of any State in the Union) will call upon him to divide to them the small portion of this surplus revenue which may fall to their share, and will agree, in return for that bounty, to make breastworks of their persons when the hour of need shall come? They have done this upon a former occasion, when the country had not the means to prepare defences. Now the debt of the Revolution, the debt of the late war, are paid and discharged, and the national treasury full to overflowing; and who will advise to postpone provision for the general defence, to the hazard of the lives of our citizen soldiery, if not of our national independence, that we may distribute the money to our respective constituents?

Mr. President, the honorable Senator from Ohio [Mr. Ewing] told us he would vote liberal appropriations for the defence of the country; but, most unfortunately for our condition, he assumed to prove to us that the appropriations for that object, which had been made in years past, were greater than we have the ability to expend. To establish his position, he read to us from a report of the head of the Engineer department, made to Congress at some former session, stating that there were not, in the service of the Government, a sufficient number of engineers of skill and experience to superintend the public works already in progress, in a manner to secure the economical expenditure of the moneys appropriated, or to ensure the proper construction of the works. I have not taken the trouble to look at the report to which the Senator referred, nor is it my object to impeach in any way the statements of the officer who made it. The report was necessarily confined to the engineers belonging to the corps of the Government; and does the Senator suppose that all the science, all the skill, and all the experience in engineering which exists in the country is confined to that corps? Has he made himself believe that, if money be appropriated for the construction of forts, the arming of our fortifications, the building and equipment of vessels of war, the manufacture of arms, and the erection of armories and arsenals, the Government cannot expend it, for the want of engineers of proper skill and experience? Give the money, sir, and call for their services, and you will have competent engineers, which will constitute an army of themselves. If you do not, you will be much less fortunate than any State has been which is expending large sums upon public works requiring the most skilful and experienced engineers; and still no State has an organized engineer corps constantly in its service. Mr. President, the apprehension of the Senator is unfounded; for if money appropriated cannot be expended, in case the law making the appropriation be not too much restricted to reach the object designed, that fact will, I venture to say, be new in the history of Government.

But, as the gentleman relies upon the authority of the head of the Engineer corps for this objection to an increase of appropriations for defence, and goes to a report made to a former Congress, (upon what subject I know not,) if he had been fortunate enough to have examined, with equal attention, the communications from that same officer made during our present session, and to be found upon our files, confined to the subject of defences, he would have discovered what his opinions really are as to the appropriations for fortifications alone, which the state of the country requires and demands from Congress; he would have found that officer telling us that, in addition to all the appropriations recommended in the general annual estimates, which are much larger than the estimates of former years, there is required for the year 1836, for the single object of commencing new fortifications for the defence of the seacoast alone, the sum of $2,503,800. And are we to believe that an officer of the standing of this one would recommend to us this large increase of our annual appropriations for a single object, when he knew the moneys ordinarily appropriated for fortifications could not be profitably expended? Surely, sir, we cannot be asked so to consider the recommendations from that quarter.

The Senator supposes he has also discovered that the ordinary annual appropriations for the navy cannot be expended, and have been unnecessarily large in past years. In proof of his position, he refers to a single item in a report made by the Secretary of the Navy to the House of Representatives, of the 4th instant, stating that the balance on hand of the moneys heretofore appropriated for "the gradual improvement of the navy," on the 31st day of December last, amounted to $1,415,000, and adds, as it were in triumph, "here is almost a million and a half of dollars of the appropriations of the last year yet unexpended." Now, Mr. President, neither the Congress of the last year nor the last Congress, by any act of theirs, appropriated one dollar of this money, or of any money, for "the gradual improvement of the navy." All these appropriations are made by a law approved March 3, 1827, appropriating annually, for a term of years, $500,000 for this object, which law was continued and extended by another law, approved 2d March, 1833. The expenditure of this money is confined, by the acts appropriating it, to the purchase of materials for ships, to the preservation of live oak timber, and to the improvement of the navy yards, and can be expended for no other purposes whatsoever. Neither the Secretary of the Navy, nor the navy commissioners, can put two sticks of timber together, or do any other act towards the building, arming, or preparing a ship for service, out of this money. I know I shall be asked here, admit this appropriation to be thus limited, and are all the materials purchased which are now, or may hereafter be, required, that this large balance is suffered to remain unexpended? I will show presently that it is not unexpended, though it yet remains unpaid; but, to cause the subject to be fully understood, it is necessary to precede any explanation upon this point with the statement of the fact that the navy commissioners, who are the officers having charge of the expenditure of the money appropriated for "the gradual improvement of the navy," are prohibited, by the positive provision of a law of Congress, from anticipating in any way these appropriations. They cannot make a contract or a purchase in anticipation of the coming appropriation under this permanent law, much less may they contract any debts, or incur any liabilities, in anticipation of any future action of Congress. They must, therefore, wait until the appropriation is in fact made, and the money placed to their credit at the Treasury, before they can even issue proposals for contracts. That is done, as I assume, from looking at the two acts, on the 3d of March in each year. After that date, then, they must call for proposals, by public notices, published in the newspapers for the period required by law. When that period has expired, they must examine their propositions, give notice to the bidders scattered over the whole country that their bids are accepted, and obtain, as soon as they may, the execution of the proper contracts. Then, and not till then, the work of fulfilment, on the part of the contractors, can commence. And who does not see that a large portion of the current year must have passed in every instance, before this point can possibly be reached? Is it strange, therefore, that large amounts of contracts should remain unclosed at so late a period as the few first days in the second month of the year succeeding that in which they are made?

With these explanations of the laws of Congress, and the powers of the commissioners under them, I proceed to show, from the report of the commissioners themselves, the actual condition of this unexpended balance of $1,415,000. I refer to document L, appended to the annual report of the Secretary of the Navy to the President, and by him communicated to Congress with his annual message at the commencement of the present session; and I cannot but observe that, had the Senator been fortunate enough to have had his attention turned to this document before he made his remarks, he would have saved me this tedious exposition of his error. The commissioners, in the document referred to, give a summary of all their doings under the act referred to, making this permanent appropriation for "the gradual improvement of the navy," from the time of the passage of the act of the 3d March, 1827, up to the close of the third quarter of the last year. They conclude this statement by giving the whole amount of the appropriations under these acts up to 1st October, 1835, at $4,500,000; and the payments actually made out of this sum at $3,002,755 80. Leaving a balance of $1,497,245 20.

And then proceed to say: "Of which there remained in the treasury, on the 1st of October, 1835, the sum of $1,454,316 46. The balance, supposed to be in the hands of navy agents, is $42,929 34. Making a total, as above, of $1,497,245 20.

"Of this sum there will be required, to meet existing engagements under the contract, about $616,000. Leaving, for other purposes, about $881,245 20.

"Advertisements have been issued, inviting offers for furnishing the live oak frames for five ships of the line, six frigates, five sloops of war, five schooners, and three steamers; which, if contracted for, will probably require about $600,000 of the balance remaining, after meeting existing engagements."

Such, Mr. President, was the condition, on the 1st of October last, of this unexpended balance of money appropriated for the improvement of the navy; between $600,000 and $700,000 of it due upon outstanding contracts, in reality expended, but not in fact paid. Of the balance, $600,000 more was then set apart to make payments upon contracts, propositions for which had been called for, and were coming in, which propositions might come in so much higher than the anticipations of the commissioners as to consume the whole sum. It is perfectly evident that, while the commissioners are forbidden by law to anticipate future appropriations, they must, in all cases when inviting proposals, keep themselves somewhat below the full amount of moneys in hand, so that, if their estimates of prices shall prove to be under those at which they can obtain offers, they may still be able to contract, without a violation of the law, or without the inconvenience and delay consequent upon a rejection of all propositions, and an offer for new proposals, based upon a new estimate. This is surely but a reasonable precaution, which would suggest itself to all faithful disbursing officers, scrupulous in their observance of the law, and anxious to promote the public service. So much for the facts; and now, Mr. President, for the argument drawn from them.

By the laws of Congress as they are, and in consequence of the restrictions imposed by those laws upon the navy board, moneys appropriated, at the usual period of each year, for the gradual improvement of the navy, cannot be expended and the accounts closed within the same year, so as to prevent the appearance, in the accounts with the Treasury, of an apparent unexpended balance on the first day of the following year. Therefore, the Senator infers, the appropriations for this object have been excessive, and greater than could be economically expended. Does this conclusion follow the premises? The delay in the expenditure has no connexion with the amount to be expended, but arises solely from the advanced period of the year when the appropriations are made; the restrictions imposed, and, in my judgment, most properly imposed, upon the disbursing agents, against anticipating funds not actually appropriated; the forms required to be observed in making contracts; and the nature of the expenditure and the extent of the country in which it is to be made. Is it not then most palpable that the same time must be required, whether the expenditure be large or small? Does any body doubt that the amount of contracts for timber, and any other materials for ships, might be extended to almost any limit in this country, if the means of payment were placed at the disposition of the commissioners? Might they not as safely invite proposals, under this head of expenditure, for $5,000,000, as for $500,000, annually? And will any one believe they would fail to receive propositions covering all the money they should propose to expend? Most certainly not. The question then is not one of amount, but simply of time; and, thus resolved, I am sure that I shall not be contradicted when I say that offers may be invited, propositions received, examined, accepted, or rejected, and contracts executed, for an amount of $500,000, or of $5,000,000, without any material variation in the time required to go though either process. Thus far as to expenditures for "the gradual improvement of the navy," confined, as those expenditures are, simply to the purchase of materials for ships, to the preservation of our live oak timber, and to the condition of our navy yards.

But this is, by no means, the extent of the question presented. Ships are to be built, armed, manned, and fitted for service; a branch of expenditure not included in the appropriation I have been discussing; a branch of expenditure now altogether unprovided for by any appropriation. May not such appropriations be expended simultaneously with the appropriations for the purchase of materials, without causing additional delay in time? Most certainly they may.

Am I not then authorized to conclude, Mr. President, that we are not in the condition supposed by the Senator from Ohio, [Mr. EWING,] and that the country is not, from necessity, to remain exposed and defenceless for half a century to come, not because we have not the means to put it in a state of defence, but because we cannot expend the money if Congress appropriate it? May I not hope that the resolutions will no longer be opposed, or appropriations withheld, on account of such an apprehension?

I here take my leave of the resolutions, and a very few additional remarks shall conclude what I propose to say further.

The subject of the loss of the fortification bill of the last session, and that of the three million appropriation for immediate defence, added by way of amendment in the House, and rejected in this body, have constituted prominent topics in this debate. Notwithstanding my particular relation to those subjects, as a member of the Committee on Finance, and of the committee of conference, I do not feel called upon to enter into that portion of the debate at the present time at all. The action of both the Senate and House upon that bill and the proposed amendment has long been matter of history before the country. The vote of every member of both Houses is shown by their respective journals, and the divisions had been given to the public through the whole press. The public judgment, as I think, was perfectly formed upon the propriety or impropriety of the votes given, and the course pursued by each individual, before we commenced a debate here upon the subject. Remaining perfectly satisfied, as I do, with my course and my votes, I have no disposition to attempt now to defend them. Were it otherwise, I should have no hope, at this day, to change, by any thing I could say here, the deliberate and settled opinion of the public mind in the matter. I must, whether willing or not, (and I hope and believe I am willing to do so,) abide that judgment, and, so far as my action upon that subject is concerned, stand or fall by it. I voted for the three million amendment in all the shapes in which it was presented to me for my support here, and I most deeply regretted that it did not meet the approbation of this body. Of any action, out of this chamber, upon either the bill or amendment, it is not now my purpose to speak.

It now becomes my duty to reply to one or two remarks which fell from the Senator from North Carolina, [Mr. MANGUM,] in the course of his impassioned address to the Senate upon these resolutions. That honorable Senator, from what authority I know not, constituted me the representative of the Albany regency here. I know well, Mr. President, the individuals who are understood to be included in that designation, and I know them to be citizens of the highest standing, honest, talented, and patriotic; men who serve the public faithfully and capably. The trust thus conferred upon me is an important and responsible one, and I will only tell the Senator that, while I continue to discharge it worthily, I shall stand firmly by the country, and the whole country, and by its interests and honor; and that I shall vote the appropriations necessary for its entire defences, before I vote to give away its funds to be expended upon doubtful schemes of internal improvement.

The gentleman seems further to be occasionally deeply troubled in his mind by some imaginary body or association of men which he terms the "spoils party." He is not alone in this. Other honorable Senators have manifested equal apprehension from the dreaded influence of this party, and none of them have left me in doubt as to the political party in this country upon which this term of opprobrium is attempted to be fastened. It is applied to the great democratic party of the Union. I will use my best efforts, Mr. President, to calm their apprehensions, by telling them that this party has been hitherto, with very few exceptions, enabled to keep the public opinion of the country upon its side; that it has done so by following, and not attempting to govern, the popular will; and that I have the fullest confidence it will be honest enough and wise enough to pursue the same course, and fortunate enough to meet with the same success in future. In any event, I think I may safely assure these gentlemen that, however greedy this party may be for the honors and emoluments of office, as it never has so it never will find it necessary to make a change in the organic law of the States where it has control, to enable it to retain office or power.

I am now impelled, Mr. President, most reluctantly, to notice a topic introduced into this debate by the Senator from Ohio, [Mr. EWING,] with how much relevancy I leave him to determine. That gentleman felt it to be his duty, in the course of his second address to the Senate upon these resolutions, to refer to the instructions given to Mr. McLane, when our minister at the court of St. James, and to animadvert upon these instructions with great severity. Notwithstanding this, had he chosen to confine himself to the mere expression of his own opinions in relation to the instructions, he would have called forth no reply from me; but when he felt himself at liberty to call to his aid the majority of the American people, and to declare that they had sanctioned the views he expressed, that the instructions contained matter degrading to the character of our country, I was no longer at liberty to remain silent.

[Here Mr. EWING asked leave to explain. Mr. WRIGHT yielded the floor, and Mr. E. said the gentleman had misunderstood him; that he had not used the expression imputed to him, that a majority of the American people had agreed with him in opinion in relation to the instructions. He had said nothing about the majority of the people, but had confined himself to the expression of his own individual opinions.]

Mr. W. said, I have then done with the subject. Mr. President, I understood the gentleman to make the remark or to advance the opinion that I have imputed to him. If he did not, I have no desire to reply at all to this part of his argument. It was by no means my purpose to open a debate upon the propriety of these instructions, as I consider that a question settled beyond the propriety of debate here; nor did I intend to make a single remark which could irritate the feelings of any member of this body, but merely to set the Senator right in reference to the decision of the people upon the question. As, however, I misunderstood him, and he did not lay down the position I supposed, I have not a remark further to make upon this part of the subject.

In the course of this very protracted debate, Mr. President, one other position has been assumed by several Senators, upon which I must ask your indulgence to a very brief reply. The position is, that the great and extended popularity of the President of the United States is a matter of danger to our institutions, and to the permanency of our republic. But for the gravity which has characterized all the remarks upon this point, I should have been compelled to doubt the sincerity of the gentlemen who have urged them upon us. The popularity of the President a matter of danger to the republic, sir! The popularity of the present Chief Magistrate dangerous! How has that popularity been acquired and maintained? Has it been by some instantaneous and violent impulse given to the public mind, which may, and sometimes does, sweep away the judgment, and make it subject to the government of passion? We are now far advanced in the seventh year of the administration of this same Chief Magistrate. Has any man ever administered the affairs of this Government against the efforts of a more talented, vigilant, and untiring opposition? Has any administration, since the commencement of our national existence, presented to the people so great a number of immensely important and vitally interesting questions, connected with the principles and policy of our Government? Have questions of this character, at any former period of our history, been so distinctly, emphatically, and ably, argued before the electors of the Union? Has any opposition to any former administration commanded more popular men, more high talent and character in the estimation of the country, more favorable opportunities to act upon the public mind and the public passions and prejudices, or more powerful aid of every character and description, than have favored the opposition to the President of the United States, from the first year of his administration to the present hour? I think, Mr. President, our opponents can give but one answer to these interrogatories. I then ask, further, has ever an administration, since the days of Washington, been more uniformly, more strongly, more generally, more triumphantly, sustained by the people? Has not its popularity, and the popularity of the President, regularly increased with every new assault and upon every new trial? The answer to these questions must be affirmative. Is, then, a popularity thus acquired and thus sustained to be considered dangerous to the country, and an omen of the speedy dissolution of our happy and prosperous confederacy? Is the approbation of an overwhelming majority of the American people, obtained after more full and able and long-continued discussions before them than have hitherto been known to the politics of the country, to be set down as a popularity dangerous to liberty, and threatening its speedy overthrow? Sir, I cannot subscribe to opinions so injurious to the integrity and intelligence of the free people of these States.

How, Mr. President, was it in the days of General Washington? He was twice elected President of the United States, and passed through both of his official terms, without even the form of an opposition. Has any man, from his day to this, ventured to pronounce his popularity dangerous to our existence as a nation? Was danger apprehended at the time by the patriots of the Revolution who surrounded him? They did apprehend danger from desperate and disappointed ambition, and from the madness of party excitements, but none from too much harmony in the public mind. I have heard of no fears growing out of the too great popularity of the President then: I feel none now.

When Mr. WRIGHT had concluded,

Mr. CALHOUN said that he regarded the declaration of the Senator from New York, who had just taken his seat, [Mr. WRIGHT,] that the danger of a war with France is past, as an annunciation, almost official, that the peace of the country is to be preserved. He was gratified with the information. He rejoiced that the country had been saved from the calamities of a French war—a war, had it occurred, the termination of which no one could conjecture, and which would have proved disgraceful and ruinous to us. We might now look forward to the speedy restoration of amicable relations between the two countries, unless, indeed, the late unseasonable message of the President, and the ill-timed and imprudent speeches of his friends, delivered since on this floor, should prevent it. Should they be received in France before the difference between the two countries is finally adjusted, it would be impossible to tell the consequence; particularly the speech of the Senator from Pennsylvania, [Mr. BUCHANAN,] who is supposed to represent the Executive on the floor of the Senate on all questions connected with our foreign relations. That Senator directly impeached the sincerity and integrity of Louis Philippe, contrary to the admission of the President himself, and this even after the mediation had been accepted. The Senate would recollect that, after the message was read, he (Mr. C.) expressed his deep regret that the President had not waited to learn how his annual message had been received by the French Government before he sent in the message in question, the direct tendency of which was to involve the country in war. He then expressed his fears that the message just received would arrive in France before the favorable impression that the first was calculated to make could be acted on, as unfortunately our representative at the French court had been withdrawn; but, thanks to the wise and magnanimous conduct of the British Government, there was reason to hope, notwithstanding all these adverse causes, that this unwise and frivolous quarrel would terminate without destroying the friendly relations between the two countries.

He would next (Mr. C. said) make a few remarks on the fiscal statement presented by the Senator from New York, [Mr. WRIGHT.] He furnished a statement from the Treasury, showing that the unexpended balance on the 1st of January last was upwards of $26,000,000. From this he properly deducted the unavailable funds, equal to about $1,000,000, and leaving a balance in the treasury of something more than $25,000,000. The Senator attempted a farther reduction by substracting, as the Secretary of the Treasury has been in the habit of doing for some years, the outstanding and unsatisfied appropriations, amounting to $7,000,000 or $8,000,000; but very little reflection will show that no deduction ought to be made on that account. These appropriations, in point of fact, constituted a running account of nearly the same amount from year to year, and which the accruing revenue would be more than sufficient to meet, without touching the existing surplus, long before they would be demanded. If, indeed, we were about to terminate our political partnership, and to distribute the balance, after closing our accounts, it might be proper to take the outstanding appropriations into the estimate; but as such was not the case, it was calculated to deceive to make the deduction. The true amount, then, of surplus revenue in the treasury on the 1st of January last may, on the showing of the Secretary himself, be fairly estimated at $25,000,000 at least, without comprehending the Government share of the United States Bank stock. How forcibly does this statement bring up the incidents of the last session? What a striking illustration of the ultimate triumph of truth! Who does not remember the vociferous charges of extravagance which were, a year ago, made against his (Mr. C's) estimates? Since then, time has come round, the year has terminated, and we have now the result of the Treasury itself; and, instead of being extravagant, his estimate has fallen far short of the truth. He anticipated that such would be the fact. He wished to be on the safe side, and made, at the time, ample allowances for possible contingencies.

After furnishing the Senate with the statement from the Treasury, the Senator from New York undertook to explain the error which the Secretary is now compelled to admit in his estimate of the receipts of the last quarter of the last year. But what explanation can be offered? What apology made for errors so gross? In his annual report, the Secretary estimates the receipts of the quarter at less than $5,000,000, and it is now admitted to be $11,000,000, making a difference of more than $6,000,000. Was it ever heard of before, that an officer at the head of the fiscal department of any Government ever made so gross an error--an error of more than $6,000,000 in the estimate of the income of a single quarter, and that estimate made within twenty days of the termination of the quarter? The actual returns of the receipts of the quarter to the Treasury must, at the time, have exceeded the Secretary's estimate of the income of the whole quarter. This is the way in which our affairs are now managed. I aver I have looked into scarcely a single fiscal report from the Treasury for some years, without discovering errors calculated to destroy all confidence in the head of that Department.

The Senator from New York has spoken of the defenceless state of the country. This song has been sung from the beginning to the end of this discussion; and yet, not a man of the party had undertaken to review the state of our preparation, and to designate what fortifications were completed, and what remained to be erected, and what was the state of our supplies of arms and munitions, and what remained to complete them. He (Mr. C.) would not undertake to say particularly what was the state of our preparations. Some years had elapsed since he had bestowed particular attention on the subject; but if the appropriations which have been made for the defences of the country have been properly expended, as they no doubt had under the excellent arrangement of the military branch of the War Department, the country was infinitely in a better state of defence than at the commencement of the late war with Great Britain, which terminated with so much credit to our arms. Gentlemen spoke of the state of our fortifications with as much confidence as if they possessed the skill of a Bernard or a McRee, and yet he would venture to assert that neither the Senator from New Hampshire, [Mr. HUBBARD,] who spoke so long and so emphatically on the subject, nor any of those who followed him on the same side, could enumerate what fortifications were completed, where they were situated, what were their dimensions, or what were to be constructed in order to complete our defences. He would tell those gentlemen that, so far from being defenceless, as far as fortifications are concerned, the country was, with some exceptions, in a state of admirable defence. In making this declaration he wished not, however, to be understood as desiring to stop where we were. He wished the system to progress till every portion of the country was in a suitable state of defence. But in thus advocating a system of fortifications, he did not think we ought to rely on them principally for defence. Our reliance ought to be on the navy, which, in his opinion, ought to be augmented to the extent of our capacity to man and officer.

Mr. C. said the discussion on the subject of the fortifications recalled the recollection of former years. It was with pride that he heard the high eulogy of the system which he had for so many years defended, against the attacks of the party to which the Senator from New York belonged, and which now, if we may judge from professions, were its warmest advocates. For seven long years he (Mr. C.) had maintained the system of fortifications, which he had perfected and matured, against the incessant attacks of the party. He would now ask his former opponents, what would have become of the system, and what would have been the present condition of the defences of the country, if he had yielded to those attacks—if he had shrunk from an honest and fearless discharge of his duty. He felt a proud satisfaction in what he now beheld. He saw those who formerly so strenuously opposed and denounced him coming forward and approbating the very measures which formerly he sustained against their attacks, but who have not the magnanimity to do him justice. If, in their former attacks on him while fearlessly performing his duty, they excited his indignation, their conduct now made them the object of his pity. But what I see strengthens my confidence in the cause of truth—nerves me in the performance of my duty. I perceive, more clearly than ever, that, in the dispensations of Providence, justice must in the end prevail. We shall (said Mr. C.) have, before long, other illustrations of this consoling truth. Before many years shall have elapsed, many who have opposed his course of late will be the foremost to approve it. He saw the brewing of a storm. That most lawless and unconstitutional act, the removal of the deposites, has given a fatal blow to the currency of the country. It was now producing its legitimate consequences--an inordinate increase of the banking system. The causes in operation must produce an explosion, the like of which has scarcely ever been witnessed in any country. To this catastrophe the surplus revenue, deposited where it is, is destined to contribute its full share. It is, in fact, in its present state, banking capital in its worst possible form, whether we regard its effects on the currency of the country, or its political institutions. The time has gone by when nations could safely accumulate a surplus revenue. The currency of the world no longer consisted of gold and silver. Bank notes and bank credit now constitute far the greater part of the currency of commercial and civilized countries. It is almost exclusively our currency, and it is difficult to imagine greater folly than for a Government to hoard up its revenue when collected in such a currency. The consequences must, in the end, prove fatal, unless the greatest discretion and foresight are exercised. Every dollar in bank notes drawn from circulation by being deposited in the treasury, but makes room for the issue of another note of equal amount in its place. But that is not all. The note deposited in bank becomes banking capital, and, as such, the means of making still farther issues; and thus, between the notes in deposite and those in circulation, the currency of the country must receive an unnatural and dangerous enlargement. While the funds are accumulating in banks, and in the absence of any political or commercial disaster, no immediate shock can take place; but let it be reversed, let the funds be suddenly withdrawn, or disaster befall the country, and wide-spread ruin must be the consequence. The time is coming when all he said would be realized, and when those who have been most forward to advocate the measures which have given rise to the present dangerous condition of the currency will, when it is too late, condemn it as bitterly as they have ardently approved it.

Mr. C. said that the Senator from New York had spoken much of the President's popularity, and the power and talents of the opposition, which it had successfully resisted. It was not for him to offer any opinion of the degree of talents possessed by the opposition, as he constituted a portion of a portion of it; but he would say that, whatever might be its talents, the opposition was essentially weak; so much so, that any man possessing a moderate degree of intellect and firmness, with the patronage possessed by the President, and occupying the position which he has, might easily maintain himself against all the opposition which he has encountered. The attacks of the opposition were made from so many different points, and carried on with such different views, and on such different principles, that nothing could be more feeble, however talented the members who composed it. With whatever vigor their assaults might be made at the commencement, at the very moment victory seemed near, the opposition were resolved into their separate and opposing elements. He said that the friends of the administration smiled at this confession. He would give them something at which they would not. The opposition was not only weak in the particular to which he had adverted, but the position occupied by the President, though not such as an honest and patriotic man would choose, was exceedingly strong. To be understood, he must revert to the circumstances under which the present incumbent was first elected President.

We all remember the two great hostile and sectional parties into which the country was divided for so many years, on the subject of the tariff. With the election of Mr. Adams, the majority in favor of the tariff became fixed. In order to prevent his re-election, the South was reduced to the necessity of making a choice of evils, and to offer, as their candidate, a man whose opinions were undefined on the great question in controversy between the two sections. General Jackson was accordingly selected as a judicious tariff man, and although we of the South had our fears in relation to him, we were compelled to adopt him, rather than to submit to Mr. Adams's re-election. We hoped that, receiving our support, and being identified with us in interests, he (General Jackson) would use his influence, if elected, gradually to correct the excesses and abuses of the system, and to bring the revenue to the standard which the wants of the Government required. Under this impression, he received our support, and was elected. But he deceived us. We soon saw that, instead of fulfilling the conditions under which he was elected, he was intent on using the position which he occupied as the means of personal influence and aggrandizement. Without identifying himself either with the tariff or anti-tariff interest, he assumed a middle position between the contending parties, now leaning towards the one, and again to the opposite party, as circumstances required; and at the same time using the immense patronage which the system placed in his hands, as a means of recruiting from the ranks of both parties all who preferred themselves to their country; and thus creating a party, for the first time in our country, purely personal—a party held together, not by principle, or by a system of public policy, but by the hopes of personal gain and advancement. It was thus the principles of the spoils party, which had originated in the State of New York, gained the ascendant in the Union, with its rigid and despotic system of discipline, by which all who held or expected office were compelled to rely on partisan service for success or security: a party whose base and low-minded system is rapidly contaminating the whole community. Thus, standing on middle ground, and surrounded by a numerous host of devoted personal partisans, it was impossible for the opposition, acting upon conflicting principles, to make any effective resistance to General Jackson. The North preferred him to a nullifier, and the South to a consolidationist. In the mean time, it was impossible to unite the South against the administration, however unconstitutional and outrageous its acts. The circumstance that we had elected General Jackson gave him great advantage in effecting his scheme of keeping the South. Without it the tenth part of the sins of the administration would long since have united the South in opposition.

When the South was divided (continued Mr. C.) the opposition must ever be feeble. It was an historical fact, that all effective opposition to the administration of this Government has come from the South. The North has never been able to turn out an administration. He intended no disparagement to that great section. He spoke of the fact simply, without pretending to go into the cause; while, on the other hand, the South has never failed to overthrow an administration to which it was opposed. But two administrations had come in against its choice, both of which were speedily and decisively overthrown. General Jackson would soon be out of power, and the administration that may succeed him could not keep the South divided. He would tell the coming administration to beware. If there be any who expected that the President's nominee could successfully play the game which he has, he would be wofully mistaken. With all his objections to the President, he (Mr. C.) would not deny him many high qualities: he had courage and firmness, was bold, warlike, audacious; though not true to his word, or faithful to his pledges. He had, besides, done the State some service. He terminated the late war gloriously at New Orleans, which has been remembered greatly to his advantage. His nominee had none of these recommendations; he is not, as remarked by his (Mr. C's) friend from North Carolina, of the race of the lion or the tiger; he belonged to a lower order—the fox; and it would be in vain to expect that he could command the respect or acquire the confidence of those who had so little admiration for the qualities by which he was distinguished. By the dexterous use of patronage, for which he and his party were so distinguished, an individual here and there, who preferred himself to the country, might be enlisted; but the great mass, all that were independent and sound in the South, would be finally opposed to him and his system.

Mr. C., in conclusion, observed that he did not intend to take any part in the present debate, but the remarks of the Senator from New York excited a train of reflection in his mind that would not permit him to remain silent.

Mr. EWING would say a very few words in reference to the remarks of the gentleman from New York, [Mr. WRIGHT.] He differed from that gentleman in the estimate he had made of the amount of surplus funds, and he thought he could show him to be in error. Mr. E. then went into a detailed statement of the receipts of the Treasury, in support of his position. As an additional item in the calculation, he said there was no doubt as to the receipt of the seven millions from the United States Bank. It had received a charter from the State of Pennsylvania. An act to recharter it had passed the Legislature of that State, and it only wanted the signature of the Governor to become a law. The stock owned by the United States in that bank would sell at least for twenty per cent. advance, which would make eight millions five hundred thousand dollars.

Mr. E. said he would say one word in regard to national defences. He would vote liberally for the national defence; but that that vote must be founded on a conviction that it could be well expended. These expenditures required time, talent, and physical force. He would again refer the gentleman, as he had before, to the reports of the Secretary of War, to show that it was not in his power to expend the money during the same year for which it was appropriated. Inexperienced engineers did not answer the purpose. It took time and experience to enable them to direct the expenditure of money to advantage. He spoke of the difficulty of getting an increase of experienced military engineers. The gentleman from New York had said, if the money appropriated could not be expended, it would be something new. He could inform the gentleman that at Fort Schuyler, on Throg's neck, there was an unexpended balance, from a total inability to procure hands to do the work. They had tried in the city of New York, State of Connecticut, &c., and failed to get enough. These large expenditures could not be well expended. He referred to a report made heretofore on the subject, that would give the Senate more full information. He had always voted in favor of these appropriations. At present, he was not disposed to make lumping appropriations to carry, year after year, to unexpended balances for the interest and profit of particular individuals, and not for the benefit of the country. The expressions given by the navy commissioners relative to contracts for timber, referred to by the gentleman from New York, [Mr. WRIGHT] amounted to this: that they could expend in 1836 the appropriations of 1835, and that at some time it could be expended. Whence, said Mr. E., comes that large unexpended balance of upwards of three millions, in the hands of these navy commissioners? If it were in order, he would propose an amendment, the import of which was a call upon the President for information as to what amount of money could be judiciously expended within one year, &c.

The CHAIR decided it was not in order, and Mr. E. withdrew it.

Mr. WALL. Unused and unaccustomed to the course of procedure in this House when he heard the gentleman from South Carolina, on a former occasion, proclaim that it was on this floor that the great battle of liberty against power was to be fought, he was disposed to enlist under his banner, as he avowed himself the champion of liberty. Indeed, if he had not entered into such contest on the side of liberty, he felt that he would have been unfaithful to his constituents, thousands of whom would, at the first battle-cry, rush to the aid of liberty. He cordially united with the honorable gentleman, also, in the wish that the doors of this chamber should be opened, and, if possible, that the whole American people should witness the contest. But he could not repress the expression of his astonishment at the kind of battle that he found was to be fought; and if this was to be the character of it, he should regret the presence of even the small audience whom the limits of the gallery could accommodate. He should have felt mortified and humbled, if the eye of the whole American people should have witnessed the manner of the onslaught this day made. What was it? It was an onslaught against the constituted authorities of the country; against the first and second officers chosen by the people; against the sacred principles on which our Government was founded; an onslaught against the officer whose constitutional duty it was to preside over our deliberations, and not in a situation to defend himself. And how was this onslaught made? Was it made in the courteous and chivalrous bearing of the gallant soldiers of liberty warring against power? Was it made in language consistent with the decorum and dignity of a legislative body? In his humble judgment, it was not; and it was time that this manner of debate should cease in this chamber.

Sir, (said Mr. W.,) I have witnessed this day what I never expected to have witnessed in this or any other deliberative body. The President of the United States has been charged with falsehood and deception on this floor; and the President of this body, the chosen officer of the people, had been assailed--he would not say in what language; but he would say, in language which, in his opinion, one gentleman ought not to use in reference to another, and unsuitable to the decorum of this body.

[Mr. Calhoun here requested the gentleman from New Jersey to say what language it was that he had used inconsistent with decorum.]

Mr. W. resumed. No, sir, I shall not undertake to do it. The gentleman could not induce him to repeat that language, for he deemed it highly improper, and unsuited to the dignity of this body. I refer the gentleman to his whole speech.

Sir, I have witnessed another thing in this body, which I never expected to have witnessed in an American Senate. While the Senator from South Carolina hesitated not to make such grave charges and denunciations against the chosen officers of the people of this country, he had arraigned an American Senator for daring in his place to challenge the sincerity and good faith of a foreign monarch in his negotiation with this country; for investigating and examining the conduct of that monarch, and drawing such conclusion as his judgment sanctioned, and expressing it in courteous language. Yes, sir, while the honorable Senator hesitates not to charge the Chief Magistrate of this people with falsehood, he expresses his apprehension that the language of the Senator from Pennsylvania, used in his place in the strict discharge of his duty, will give offence to a foreign monarch. Sir, if this is the way in which the battle of liberty against power is to be fought, that gentleman need not search for metaphysical causes to account for the division of the South. Sir, I shall enlist under no such banner. It is a war against the power of the people.

After Mr. Wall had concluded,

Mr. CALHOUN said if the Senator from New Jersey had afforded him the usual courtesy, by giving way for an explanation, and stated what it was he objected to, he would have made the necessary explanation; as it was, he could only say that he uttered no such thing as that imputed to him.

Mr. PRESTON said that he could not permit the language of the Senator from New Jersey to pass without one word in reply; not for the purpose of defending his colleague, who was well able to support any proposition which he might make, but because being denounced for language which, in his very heart, he (Mr. P.) approved, he could not permit that denunciation to go forth to the people without sharing in it. Sir, the gentleman speaks of a battle to be fought between liberty and power, and I say that battle has begun, when we cannot speak of this administration in the plain and simple language of truth, without being arraigned as traitors to our country and our trust. A proper degree of courtesy in this body is not only becoming, but necessary; and a degree of forbearance is perhaps due from his political opponents towards the President of the United States. But, sir, am I to be told that we can only allude to him in the humble language of the degraded Senators of Rome, speaking of their Emperor while his Prætorian guards surrounded the Capitol? Away with such prostration and debasement of spirit! Am I to be told, when he came into office on principles of reform, and then "kept the word of promise to our ear, but broke it to our hope"—am I to be told that I must seal my lips, or be denounced for want of decorum? Am I to be told, when he promised to prevent official influence from interfering with the freedom of elections, that I must not speak of his forfeited faith, lest I fall under the displeasure of his friends? Am I to be told, when he came into power as a judicious tariff man, I myself advocating his principles, and laboring day and night in aid of his election; am I to be told, after pledges violated, promises broken, and principles set at naught, that I must not utter my honest sentiments, because they would be disrespectful to the constituted authorities? Why, sir, to what pass have we come? Are we to be first deceived, and then gagged and reduced to silence? If nothing else remains to us, the liberty of speech remains, and it is our duty to cry aloud and spare not, when the fact is before us, undenied and undeniable, that these pledges have been made and have been violated. Sir, this administration is drawing to a close; and if gentlemen can succeed in silencing our complaints here—if they can reduce us to the condition of abject slaves, they will yet have one other task to accomplish: they must expunge the history of the country, they must destroy the President's written and recorded communications to Congress, they must erase from our memories the warm and solemn professions of his friends when fighting his political battles, before they can conceal the recorded fact that he gave pledges which he has violated, and made promises which he has not kept. If, sir, the abuses of this administration are not to be commented upon by us, thank God! the voice of history, "trumpet-tongued," will be raised against them.

Neither here nor elsewhere will language be used by me towards any gentleman which can properly be considered indecorous; but, sir, a just and necessary indignation towards the measures of Government, and the officers of Government, I shall express on every occasion in which I honestly think they deserve it. Sir, the gentlemen who have taken upon themselves the guardianship of the Grand Lama, surrounded as he is by a light which no one is permitted to approach, have extended their surveillance to the presiding officer of this Senate. We are not permitted to speak of the qualifications of that individual for the highest office in the gift of the people, lest we may evince a want of courtesy toward those in power. The people are goaded and driven to his support, and we are to remain silent, lest we should be found guilty of *læsæ majestatis*.

Thank God! it is not my practice "to crook the pregnant hinges of the knee, where thrift may follow fawning." It is a practice, however, much in vogue, and one which forebodes much of evil. The future, indeed, is big with mischance and misfortune. "Coming events cast their shadows before," deepening and darkening; as the sun sets, those shadows lengthen; and it may be that, in the going down of the present luminary of the republic, we shall be involved in one universal political darkness. There is a spirit abroad, which, unless successfully resisted, indicated a most diseased state of the body politic. If the principles advocated by the Senator from New Jersey prevailed; if we were not permitted to speak of the President or his successor, or the constituted authorities of the country, in such terms as we think applicable, then are we indeed gone, for ever and irretrievably. He protested against such principles—principles which would lead to a perpetual and unchanging despotism. Sir, I see that despotism now advancing in its course, devouring every thing in its progress, and destroying all the great interests of society—all the glories and the blessings of American freedom. My only hope is in Divine Providence!

Mr. WALL, in answer to Mr. PRESTON, said that he could not consent that gentlemen should take a false position themselves, or place him in a false position. He was not disposed to be tried on a false issue, or that the honorable gentleman should bring on the trial of a false issue. The gentleman seems to think that I, and those with whom I act, wish to abridge the freedom of debate. The gentleman is mistaken. Did I, or any one else, attempt to interrupt the debate, to stop the first gentleman from South Carolina in the course of debate? Did he not say what he chose, how he chose, and of whom he chose? And how have I attempted to abridge the liberty of debate? I have dared to express an opinion of the manner in which the gentleman exercised his right. Had I not a right so to do—to judge whether it was consistent with the knightly bearing of a gallant soldier of liberty fighting against power? Does the gentleman mean to monopolize liberty? I shall not consent to it without a struggle. I repeat, were the gentlemen ever stopped in the freest course of debate? Yet when I express my sentiments of that course, I am to be reproached as bowing my suppliant knee to power, as the minion of power. Sir, I tell the gentlemen that they shall not monopolize the liberty of debate. I shall maintain my rights, without abridging theirs. Sir, thank fortune, the people of this country do not weigh or judge of our devotion or attachment to liberty by our professions. They judge by our acts. By such I am willing to be judged. But I hope the gentlemen will permit me to profess to be as devoted to liberty as they are. I can assure the gentlemen that they do me great injustice, they make a great mistake, if they really suppose that I or my friends wish to abridge the liberty of speech. Let them enjoy it in all its breadth and width, ay, even to its utmost verge; let them speak of the constituted authorities of the people in whatever language suits them; let them make any distinct issue, any specific charge, and they will be met without shrinking; let them put their finger upon any act of the constituted authorities of the country, and they will be met, and, I venture to assert, overthrown. But it is against general denunciation and sweeping abuse, and the manner of it, that I object. Sir, it may be owing to my ignorance; it may be owing to my incapacity to distinguish; it may be owing to my inexperience in parliamentary usages; but I must claim the privilege of persisting in that objection.

Sir, (said Mr. W.,) I do not rise to enter into this debate; but, being up, I must object to the position and attitude which the honorable gentlemen from South Carolina seem disposed to assume for themselves and their friends, as the only exclusive friends of liberty on this floor. Sir, they are mistaken; gentlemen here, who do not follow their lead, and perhaps never will follow it, are as much devoted to the great principles of liberty as they can be, and will go as far in their support and defence.

I beg leave to make another remark. The gentleman has alluded to the contest for the next presidency, and said that "coming events cast their shadows before." Be it so. My constituents did not send me here to make Presidents for them. That is a business that they like to do in another manner. I am sent here for other purposes, and shall endeavor to confine myself to my appropriate duties. If, sir, the opposition thus announced to an administration not yet formed, and as yet unknown, is to come, it may be that we may gather from the past the issue of the future. Sir, we are taunted about expunging the acts of the President. No, sir, no friend of Andrew Jackson, and, if I may venture to predict, no friend of his country, when the acts of Andrew Jackson, as President of the United States, come to be recorded by the impartial pen of history, would wish to see one act of his administration expunged. They will add to the proud monuments of his country's glory.

Mr. NILES said: I feel impelled to submit a few observations in reply to what has fallen from the honorable Senators from South Carolina. I am not opposed to the freedom of debate, either here or elsewhere. I am an advocate for it, within reasonable limits; but, sir, I have heard language which I have not been accustomed to hear, not having been long a member of this body. When I hear the foulest imputations, the charge of falsehood, and the violation of pledges, cast upon the highest officer of this Government, and a venerable patriot, I am unable to be silent. Sir, that venerable man and high functionary, who is the subject of these uncalled-for and unprovoked assaults, stands in no need of a defence from me, one of the humblest members of this body; he has no need of a defence from any one; yet I have felt it a duty, occupying a seat here, to say a few words to repel the unfounded charges which I have just heard with surprise and astonishment. Sir, if there is any occasion for a voice to be raised here in vindication of that illustrious man, this is the only place where it can be necessary. Every where else, sir, his fair fame, his great reputation, are well protected; they are safe in the hands and hearts of the people of this whole country. Yes, sir, Andrew Jackson is safe in the hands of the people, the whole people, in every section of this extended Union: in the South, in the West, in the Middle, and in the North; he is safe, he is strong, in their confidence, their affections, and their unshaken reliance on his integrity, his firmness, and his patriotism; they have watched his public career; they have examined his acts; they have scrutinized his motives; they admire his firmness, his patriotism, his moral courage, and his devotion to his country. This venerable patriot, who is here charged with violating his pledges, has a stronger hold on the confidence and affections of the people than any other man now living. He has been tried, sir, in various ways; three times he has been before the whole people, and has received a stronger testimony of their unshaken and increasing confidence and approval than any other man has or can receive.

Sir, I repeat that Andrew Jackson and his well-earned reputation are safe in every place but one, and I shall name where that place is before I sit down; yes, sir, he would be safe even within the marble walls of that corrupt institution which, in the discharge of a high official duty, his giant arm humbled in the dust.

Where, then, is the place in which he is not safe? Sir, I will tell you where that place is—it is in this hall. Here it is that he has been arraigned, tried, and condemned, unheard, without any opportunity to confront his accusers or make his defence; arraigned and condemned in violation of that constitution which we have all sworn to support, in disregard of those forms which the laws of the land have provided, and denied the privilege of entering his protest against your illegal proceedings. Here it is, sir, in this hall, that the reputation and fair fame of this illustrious patriot has from time to time been maligned, assailed, and traduced. Sir, there has, since the year 1824, been a great political problem before this country, the solution of which has greatly puzzled and troubled many of our great men. This problem is, to discover the cause of Andrew Jackson's popularity. This great question, so deeply interesting, and so marvellous to some, has brought into requisition the highest talents, and great erudition; statesmen, orators, and writers of all descriptions, have tried their hands and pens in attempting to unfold this great secret. But the explanations they have given have been in direct conflict with each other, and all wide of the truth.

For several years it was insisted that the popularity of General Jackson rested entirely on his military reputation, and that enthusiasm which prevailed among the people towards a military chieftain. Sir, on the very day that this venerable patriot was sworn to the faithful discharge of the duties of his station, a distinguished statesman, now a member of this Senate, publicly declared in this city, that, in this free republic, a military chieftain was elevated to the highest station of power, against the intelligence and enlightened judgment of the nation, as a short time before another military chieftain had raised himself to power in another republic, in this Western hemisphere. From that time, for several years, the election of Andrew Jackson, which astonished some gentlemen so much, was attributed to the folly and enthusiasm of the people—to their being swayed and carried away by the military services and fame of a military hero. This statement rung a thousand changes, and was presented in a thousand forms. Even in public orations, it was declared by distinguished statesmen that the intelligent and well-informed portion of the people had no agency in the elevation of the President; that his election had been brought about by the "hurrah boys," and those who knew just enough to shout "hurrah for Jackson." This explanation of the President's popularity, however satisfactory for a time, did not continue to satisfy all of those who felt so deeply interested in this question. Other explanations were put forth.

The honorable Senator from Tennessee, coming from the same State as the President, has in a recent speech assigned a different cause for his election. He tells us it was the result of the strong feeling which prevailed against the abuse of executive influence, and that it was to prevent this influence being brought into conflict with the freedom of elections, that the people raised Andrew Jackson to the presidency. Whether this circumstance had any influence on that election, it is not my purpose to examine; I am only pointing out the different causes which have been assigned as the solution of this great political problem.

But the honorable Senators from South Carolina have given an entirely different explanation of the President's popularity at the South. They inform us that it was wholly owing to his being regarded as a moderate tariff man; and that, despairing of the success of any candidate opposed to the tariff, they had united on him, as a choice of evils. We are then told that the President deceived and betrayed his Southern friends, and violated his pledges; that he gave his sanction to a high tariff, even the odious act of 1828. Sir, I do not understand how the President has sanctioned the tariff of 1828; he had, I think, sir, resigned his seat in the Senate previous to that time.

[Here the gentleman from South Carolina [Mr. Preston] asked to explain, and said the President approved and signed that law.]

Sir, (said Mr. N.,) I had supposed that the President entered upon the duties of his office on the 4th of March, in the year 1829, and believe the Senator is mistaken on this point, as well as some others. If it was true, as has been claimed, that the President was supported by the South on the ground of his being a moderate tariff man, has not his course in relation to that subject been such as should have satisfied all reasonable expectations? Is he to be charged with having disappointed such expectations—of having falsified his promises—of violating his pledges? Such charges are totally unfounded and unjust. Has not the President pursued a moderate course in relation to the tariff? Have not the gentlemen read his messages which, year after year, urged on Congress a reduction of the tariff, and the adjustment of the exciting question upon equitable principles, which might give reasonable satisfaction to all sections of the Union? These are notorious facts. And are we now to be told that the defection of a portion of his supporters at the South was owing to his violating his pledges regarding the tariff? It is to the persevering efforts of the President that that distracting question was settled and the tariff satisfactorily adjusted, although others have claimed the credit of it. Sir, is not that gentleman [Mr. Calhoun] aware that there is another version of this matter? that the public have heard of another and very different reason for the support the President received from a certain party at the South, and for the withdrawal of that support? Does the gentleman understand me, or is it necessary to be more specific? Sir, there was a Southern candidate; and, when it was found that there was no chance for that candidate at the then coming election, he was withdrawn, and he and his friends united in the support of Andrew Jackson. How far they were sincere in this, I will not undertake to decide. They continued their support during the early part of the first term of the President, when it was suddenly withdrawn, and for reasons of which the public at the time formed an opinion. Is it necessary to say more on this point? Does the gentleman understand me?

Having alluded to some of the attempts at a solution of the great problem of Andrew Jackson's popularity, which has occasioned so much astonishment, and given so much uneasiness to some gentlemen, I will now, sir, inform those gentlemen what I believe is the true explanation of this question. Sir, I will not do this in my own language, but in the language of the greatest and best man this country ever produced, if we except one —and I am not sure, sir, there should be any exception. In the language, then, of that great and good man, I declare that the secret of Andrew Jackson's popularity is, that the people believe him to be "capable, honest, and faithful to the constitution." These, and particularly the second, are the attributes which have secured to him so strong, so invincible a hold on the public confidence. We have here the great secret of his popular power —the charm, the talisman, by which this man has carried away the hearts of the people. This is the true explanation of that great and dangerous popularity which seems to have been so much dreaded by some, so much coveted by others. It is not his military fame, great as that is; it is not his opinions on the tariff, nor any other particular subject. No. The people rally around him and support him, because they know him to be honest, capable, bold, and fearless; because they confide in his integrity, his firmness, his readiness to assume any responsibility, regardless of all consequences to himself, when the great interests of his country require it.

Sir, was the secret of the popularity of this illustrious man a saleable commodity, and thrown into market, there would, my word for it, be many eager purchasers;

there would be one in the West, one in the South, and one in the East, and how many more I will not take upon me to say.

Sir, what a consistent and honest opposition is that which, on this floor, has waged incessant war upon the man the people have elevated to the highest station on earth, according to the acknowledgments of the Senator from South Carolina, [Mr. CALHOUN.] He has just assigned as a reason why they had not succeeded in overthrowing this administration, that the opposition was composed of three distinct parties—he should have said factions--professing antagonist principles. Yes, sir, they can unite in a warfare to overthrow the administration; they can unite to arraign, try, and condemn the President; but when they have reached that point, and it becomes necessary to develop their own plans, measures, and candidates, they fall to pieces; they can go together no farther.

Sir, in the State which I have the honor in part to represent, Andrew Jackson, when first brought forward for his present high office, was not known to the people; they knew him only as a general, as a successful military leader; they appreciated the important services he had rendered his country; they gloried in his military fame; but when he was proposed for the highest civil trust, not knowing his personal character or his qualifications for civil office, they hesitated, and withheld their support. And the gross misrepresentations and falsehoods which had been circulated had poisoned the minds of many, and spread far and wide the most inveterate prejudices. At the election of 1828, out of more than forty thousand voters, he received but four thousand suffrages. But when his administration commenced, they began to judge of him by his acts, his measures, his messages, and his official conduct. They gradually discovered that they had been deceived, and began to admire his decision, energy, his independence, and the honesty of his purposes. And now, sir, instead of four thousand, there are more than twenty-four thousand, good men and true, ready to sustain him and his administration. It is not from enthusiasm or his military fame that he has thus gradually gained upon the confidence of that people. The great secret of his popularity I have already pointed out--that popularity which his enemies profess not to understand, which they seem so much to fear, and which some of them appear so much to covet, so anxious to filch from him. Sir, there is but one way this popularity can be acquired; I have told them what that way is; and if they expect ever to acquire it, they must seek it where it is alone to be found. They must imitate the example of this venerable patriot; like him they must devote their great talents to the service of their country, in civil or military stations, whenever the people see fit to employ them, honestly, faithfully, perseveringly, regardless of consequences to themselves, and with a single eye to the public good. When they shall have done this--when, like Andrew Jackson, they shall have spent their whole lives in advancing their country's interests, instead of their own--they, too, may acquire that popularity they so much covet. They then may convince the people of that all-important truth, without which no man need expect to rise to the highest station in this country--they then may satisfy the people that they are honest.

On motion of Mr. ROBBINS,

The Senate adjourned.

THURSDAY, FEBRUARY 18.

NAVIGATION OF THE WABASH.

The Senate proceeded to consider, as in Committee of the Whole, a bill to improve the navigation of the Wabash river.

The bill which appropriates $50,000 was considered; and, on the question of its third reading,

Mr. HILL expressed a hope that the bill would be laid on the table, unless some good reason for its passage could be assigned.

Mr. HENDRICKS said that the bill being read at the Secretary's table, he had risen in his place to say a few words in explanation of it; but the apparent unanimity of the Senate in its favor had induced him to resume his seat, in the belief that a recollection of this bill, and of former discussions upon it at previous sessions, and the report of the committee in its favor which has been printed and laid on the tables of the Senators, had rendered all explanations unnecessary. The call of the Senator from New Hampshire he would, however, cheerfully answer; and the few words which he might deem it necessary to say would be chiefly confined to the necessity, at the present time, of passing the bill; a necessity stronger than ever heretofore.

This bill (Mr. H. continued to remark) was the same which had passed the Senate at the last session, and which had passed the Senate at three previous sessions. Except in amount, it was precisely the same. Its history would no doubt be recollected by many Senators present, and the difficulties it had to encounter; and what he had now chiefly to say in relation to it was, that time and circumstances had removed those difficulties, as he believed, both here and elsewhere, and he hoped that on the present occasion there would be no hesitation in passing the bill.

The navigation of the Wabash (said Mr. H.) is intimately and inseparably connected with the Wabash and Erie canal. It is through the navigation of this river, which empties into the Ohio river, that the Wabash and Erie canal unites the navigation of the Mississippi river with the lakes, and opens a channel of inland navigation between the two great commercial emporiums of the country, New York and New Orleans. This line of navigation is on the most direct route; it is the shortest line of navigation which can ever be opened between those cities. The river itself is the largest and most important tributary of the Ohio. It flows through a larger and more fertile region of country than any other river of the Ohio. It floats to the markets of New Orleans and the South a larger quantity of agricultural productions than any of those rivers. Indeed, it is questionable whether any river of the West, of the second class, not even excepting the Cumberland, the Arkansas, and the Red river, is justly entitled to be ranked with it in importance. It is a river navigable for steamboats to a great distance up, to the mouth of Tippecanoe, perhaps five hundred miles from its own mouth. But this navigation is safe and certain only in times of high water, or when the river is somewhat swollen. In low water it has obstructions which wholly prevent its navigation, and these obstructions are near its mouth. They entirely destroy the usefulness of its navigation in stages of low water, and in some dry seasons boats with the produce of the country have been unable to get out of the river during the whole year. Such was the case in the spring and summer of 1834, when hundreds of thousands of dollars worth of produce, prepared for the markets of the South, literally rotted on hand.

These obstructions (said Mr. H.) are below Vincennes, and pretty much confined to a region of river about fifteen or twenty miles in extent. They consist of ripples, eight or nine in number, which are filled with rocks, islands, bars, and crooked and shallow channels. At the Grand Rapids, the most difficult of these passes, the depth at low water is but two and a half feet. The river for a great distance is the boundary between the States of Indiana and Illinois, and the improvement of its navigation has long been an object of much interest with both these States. In 1822 laws were passed by both, authorizing a joint examination of the obstructions by engineers of each State This examination was had, and a report made on the subject, but the estimates were considered beyond the means of the States at that time, and no appropriation was made. At subsequent sessions of the Legislatures of those States, about one year ago, appropriations to a very limited extent were made; but, during the last summer and fall, the water of the river was too high for operations upon the work, and nothing of any consequence has yet been done. At the recent sessions of those Legislatures, other appropriations to this object have been made, and the ensuing season will be, as it ought to be, one of great exertion on this subject.

The work, however, is too important and heavy for the States, and one which, in their opinion, ought to be accomplished by this Government. The aid of this Government is wanted, and skilful engineers are needed. These obstructions ought to be removed by a canal around them that would pass steamboats, and the work, in whatever manner and by whomsoever undertaken, is too important to be any longer neglected. Heretofore, this has not been considered by the federal Government an object of much magnitude. This river, unconnected with any other channel of commerce, has been thought to belong to a class of local objects, not specially entitled to the consideration and means of this Government. Now, the Wabash and Erie canal is opened. The navigation of the summit level section was commenced on the 4th day of July last, and other large sections will be opened during the ensuing spring. That portion of the canal, as originally located, which lies within the State of Indiana, is, with the exception of thirty-five or forty miles, all under contract; and by an act of the last Legislature of that State, the canal is to be continued down the Wabash to Terre Haute, a further distance of eighty or ninety miles. The valley of the Maumee, from the Indiana line to Lake Erie, will, after the Michigan boundary question shall be settled, be speedily made by the State of Ohio, and then this Wabash river, instead of being a local object, not entitled to be considered of national importance, will be an important link in the chain of one of the most splendid and useful inland navigations in the world; certainly the most important that is or can be made in the United States--an inland navigation the shortest and the best that can exist between New York and New Orleans. Now, sir, (said Mr. H.,) when this bill was under the consideration of the Senate one year ago, not one mile of this canal had been opened to navigation. No highway of commerce then could be said to connect the custom-houses and the ports of entry on the lakes with those on the Mississippi. All this change has taken place since. The condition of this work, and of the whole country, has since essentially changed. The navigation of this river is closely and inseparably connected with the canal. Without its improvement, the canal must be a great portion of the year comparatively useless. The canal is now ahead of the river; and, begin this work when you may, the canal will continue ahead.

I repeat, Mr. President, the navigation across the summit level of the country is already perfect, and a splendid work is going on in the valleys of the Maumee and the Wabash. It has changed the condition of the whole country. It has sold for you millions of acres of land. It has brought you millions of dollars into the treasury, and you are already doubly paid for your canal grant of 1827. The ordinance of 1787 had designated this summit level as a carrying place between the navigable waters of the Mississippi and the St. Lawrence, and had guarantied its free navigation for ever. The Government of the United States ought to have made this canal. The guarantee has not been kept inviolate; but the work has been performed, and is in a state of rapid completion by the State of Indiana. Things have rapidly changed upon the Upper Wabash within the last year. There is now no question about local and national objects, in reference to the Wabash and Erie canal and the navigation of the Wabash. These works can no longer be considered as separate, or of doubtful importance in a commercial point of view. A great highway of commerce is established there, and the union of the waters of the Mississippi and the northern lakes is effected. All objections of this sort to the passage of the bill will no doubt hereafter entirely cease. It will obtain the sanction of the Executive, as I believe, and I hope the unanimous vote of the Senate.

Mr. ROBINSON expressed a hope that the bill would pass. The State Legislatures had considered it of the greatest importance, and had made larger appropriations for it than for any other object. These waters form the connexion between the Northern and Southern navigation of the United States. Approving, as he did generally, of the principle on which the objections of the President in reference to this bill are founded, he thought the President mistaken in his application of that principle in this case. The State of Illinois had a small interest in this matter, in comparison with that of the State of Indiana; yet such was the anxiety of the Legislature of Illinois to see the work accomplished, that it had now made an appropriation of $25,000 towards it. He hoped that this would tend to open the eyes of the President, that he might see that he had been in the wrong.

The question was then taken, and the bill was ordered to a third reading.

NATIONAL DEFENCE.

The Senate then took up the unfinished business of yesterday, being the resolutions offered by Mr. Benton.

The question being on the motion to strike out the word "surplus,"

Mr. ROBBINS rose and addressed the Senate as follows:

The proposed appropriation of three millions on the last night of the last Congress, (now forced into this debate, on the resolution now proposed to pledge the surplus revenue to the defences and armament of the country, and making so prominent a part in this debate, though it has nothing to do with the merits of the question presented by the resolution,) this three million appropriation, I say, was refused, on the ground that it could not be granted as proposed, without a violation of the constitution, which we are all sworn to support, or, in other words which we are all sworn not to violate. It is true, other objections were urged, and had their weight; but this was the decisive objection; at least, it was so with me; and, as I believe, with that abused majority with whom I voted. I think it the more necessary to make this statement, as I see the ground of refusal by the Senate has been strangely misconceived, or still more strangely misrepresented, in quarters and by persons of whom better information or more candor might have been expected.

I propose now (said Mr. R.) simply to review that ground, and to confine my remarks to the argument that went to prove conclusively, as I then thought, and still think, that such an appropriation would be a violation of the constitution.

The proposed appropriation was in these words:

"*And be it further enacted,* That the sum of three million of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided* such expenditure shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

Who was to judge of the necessity here spoken of? The President himself. Then the money was to be placed in the hands of the President, to be used at his discretion. How was the money to be expended? For any naval or military preparation for the defence of the country, and that also in his discretion. Under the implied authority of this vote, then, the President might raise an army in addition to our present army; for this would be for military service in defence of the country, if he chose so to consider it. Under the express authority of this vote he might provide a navy in addition to our present navy; for this, too, would be for naval service in defence of the country, if he chose so to consider it. I need not say that an authority to do these things implies an authority to do all other things which would be necessary and proper as means to these ends.

How any constitutional jurist could conceive that such an appropriation, with this sweeping authority, would not be a violation of the constitution, or how any such jurist can still contend for such an interpretation of the constitution, I am at a loss to imagine. Why, who does not see, it is to transfer, by a vote of Congress, to the Executive, all the powers of war, except merely those of issuing letters of marque and reprisal, and of actually declaring and waging war? powers vested by the constitution in Congress, expressly and exclusively. The constitution expressly ordains that the Congress is to raise armies and to provide navies; and yet this appropriation would have authorized the Executive to do both. I need not remind this body, for to them it is a truism, that all the powers of Congress are trust powers, and incapable of alienation or substitution by the trustee. Where is the constitutional jurist, I ask, either here or elsewhere, who will seriously contend that Congress can transfer the constitutional powers expressly intrusted to them, exclusively intrusted, to the Executive, to be executed by him? Yet we have heard an honorable gentleman on this floor boast that the moment when he voted for this appropriation as proposed, he considers as the proudest moment of his life. What a life that must have been, if its proudest moment was that in which an effort was made, though unsuccessfully, in which he participated, and of which he might say "*magna pars fui*," that went in its direct tendency and effect to make an open inroad upon the constitution of his country, and to undermine its fabric; to unframe its very frame, by subverting the great principle of its structure, namely, that of keeping and confining its different powers to their different departments; a separation essential to the very being of a free Government; and in which, and by which, liberty herself has her life, and breath, and being, and aliment. But here I take the part of the gentleman against the gentleman himself, and deny that he has done justice to his life. I do not believe that his three million vote is the climax of his merit, the crowning glory of his life; nor that his biographer will so consider it. On the contrary, I believe that the merits of his life are so many, and so much brighter, that his biographer will omit the mention of this altogether; or, if this cannot be done, that at least he never will record it as one of his eulogies. It will be one of those passages in his work which the biographer, if a friend, will be willing the reader should overlook, or forget as soon as possible.

But it is said the objections might have been obviated by amendments. But how could this be? Recollect the appropriation was to be not only contingent, but discretionary; discretionary as to the object. The discretion was the great thing desired of us; this was the end and aim of the project. Now, to make it specific would be, not to amend, but to destroy the project altogether. Subsequent events show that it was so considered, for the conferees did make it specific; and because they made it so the project was abandoned, and considered as lost and destroyed, and all appropriations for defence were indignantly abandoned with it. True, this was not avowed at the time, nay, it was studiously disguised; for, indeed, it would not do to avow that the Executive insisted on this discretionary power as the condition *sine qua non* to the country, for having any even the ordinary appropriations for the works of defence. Nor would it do to avow that the President himself desired a discretion that, in the then critical state of things, would make him the arbiter of peace and war between the two countries, believed, as it then was and would be, that the desire of this discretionary power was prompted solely by his hostile feeling and intentions towards France. Hence all that parliamentary machinery was got up and played off in a House of Representatives now gone by, (of which we have seen the evidence in their journals,) to give out the appearance to the public that the agreement of the conferees was not reported to the House, either for the want of time before the House became defunct, or for the want of a quorum to receive the report; and for the further object, to have a pretext for fastening upon the Senate the odium of having occasioned the delay which had occasioned the loss of the whole bill, containing all the ordinary as well as extraordinary appropriations for the defence of the country.

But what has all this to do with the real question? The real question is, whether the appropriation as proposed was constitutional. That is the question on which we voted, and that is the vote which we are challenged to vindicate. Its correctness or incorrectness must be tested by the constitution, applied to the appropriation as proposed, not to the appropriation as it might have been proposed, or might have been modified. We stand or fall as the constitution shall determine the appropriation as proposed to be or not to be constitutional; so do the gentlemen who voted for the appropriation as proposed. They can derive no justification from the possible modifications which might have been given, but were not given, to the appropriation.

The constitution ordains that "no money shall be drawn from the treasury but in consequence of appropriations made by law."

Now, an appropriation may be either general or specific; and it is made a question of interpretation whether specific appropriations only are hereby intended. This is the interpretation which the practice of the Government has put upon this clause, and it is founded upon reasoning which appears to me conclusive in favor of the practice; the reasoning alluded to I will advert to hereafter. At present I only say that it is not necessary to decide this question of interpretation in order to decide upon the constitutional character of the three million appropriation; for that goes beyond appropriation even the most general, which implies some object or objects already defined and established by law for the expenditure. But this appropriation gave not only discretionary power over the money, but power to originate and establish the objects of expenditure, and objects which it is only competent for the Legislature to originate and establish. In this its distinguishing feature, making its distinctive character, this three million appropriation has no precedent in our history, none that has a semblance of analogy to it, not one. The million appropriation for diplomatic intercourse, and the two million for the same object, so vaunted by some gentlemen as precedents in point, were not even general appropriations; for, though general in appearance on the bill, yet coupled with the proceedings had between the

Executive and the Senate, but for public reasons had in secret, they became in fact specific appropriations, as specific as, in the nature of things, they could be made. This has been most clearly and happily demonstrated by the honorable gentleman from Tennessee, [Mr. WHITE,] who voted with us against this appropriation.

But, waiving this, and admitting for the present these appropriations to have been general, still the appropriation does not go beyond appropriation. It is for expenditure on the diplomatic intercourse, which the constitution itself confides to the executive department. It conveys neither expressly nor by implication any power not belonging to the executive department, and inherent therein; nor, indeed, any such power; it simply gives him authority to expend the money upon a subject confided to him by the constitution, namely, the diplomatic intercourse. So that, had these appropriations been general, instead of being specific, as they in fact were, they would be no precedents for this appropriation.

But suppose this three million appropriation had not gone beyond appropriation merely; had not given to the Executive powers which the constitution gives to the Congress, and which can only be exercised by Congress, but was simply a general appropriation of money to be expended on objects already established by law, would the appropriation, for being general, therefore be unconstitutional? This depends, as I said, upon the interpretation of that clause of the constitution which says that "no money shall be drawn from the treasury but in consequence of appropriations made by law." The interpretation given to it by the practice of the Government I have already referred to. I think this the true interpretation, and necessary to fulfil the intention of the constitution. For why was this provision inserted in the constitution? Because the theory of the constitution supposes the Congress is to raise all the funds to be raised for the Government; to prescribe all the objects on which these funds are to be expended, and to control the expenditure on all, and because to this control this provision was necessary. The Congress is made the trustee of the people for these several purposes. The constitution expressly ordains that the Congress are to lay and collect the taxes, the duties, the imposts, the excises. To prescribe the objects of expenditure is implied in the enumerated powers given to Congress to be executed by them. To control the expenditure, and to enable Congress to control it, this provision was inserted, for it could have no other assignable purpose. Now, to control the expenditure, Congress must not only prescribe the object, but limit the amount to be expended upon it; otherwise, and if Congress only prescribes the object, but does not limit the amount to be expended upon it, it is the Executive who controls the expenditure, and not the Congress. Now, to prescribe the object, and to limit the amount of expenditure upon it, is to make a specific appropriation. The two things are identical. Then, as certainly as that the constitution did intend the Congress to have the control of the public expenditure, (which nobody disputes or doubts,) it did intend specific appropriations, and none other.

I deem it no slight evidence of the correctness of the interpretation which makes the constitution to require specific appropriations, that it falls in with all our prepossessions on the subject, all our habitual impressions, all our received opinions; and this as well of those who approved as of those who disapproved of the three million appropriation. It is a common, a received and accreditable article of constitutional faith. This has been apparent throughout the whole of this debate; for those gentlemen who have defended this three million appropriation have labored hard to make out this appropriation to be specific, or to find somewhere in some part of our history of appropriations some precedent that would give some countenance to the generality of this, clearly evincing that they felt the *prima facie* case to be against them; the common impression to be against them; the tide of precedents to be against them; in a word, that they had the laboring oar in the case. Now, this could not have been so if their previous and habitual opinions had been that general appropriations were constitutional.

I am aware that, in justice, I ought to make one gentleman an exception to the generality of my statement, I mean the honorable gentleman from North Carolina, [Mr. BROWN.] I confess that he seemed to be wholly unembarrassed by the difficulties which had so much embarrassed all the other speakers on the same side of the House. He had a short and easy way with the dissenters. He told us that an appropriation, when passed, became a law, and the money to be drawn would then be drawn out of the treasury in consequence of an appropriation made by law. So, and according to him, there could be and there can be no such thing as unconstitutional appropriation; for every appropriation, when passed, becomes a law, and therefore, according to him, becomes constitutional.

The honorable gentleman from Pennsylvania [Mr. BUCHANAN] seemed to think it prudent to be a little cautious how he answered to the interrogatory put to him by my friend from Delaware, [Mr. CLAYTON,] as to general appropriations. The honorable gentleman looked about him, carefully, on all sides; he seemed to see a dilemma ahead, and that an indiscreet answer might involve him in straits where, with Scylla on one side, and Charybdis on the other, he might peradventure get foundered. The honorable gentleman was too wary to commit himself by a categorical answer. But, if the same interrogatory had been put to the honorable gentleman from North Carolina, I do not see how it could have embarrassed him in the least, or how any interrogatory of the sort could. Suppose an appropriation of twenty millions, in a gross sum, for the uses of the Government for the current year; and suppose he were asked, would that appropriation be constitutional? His prompt and unhesitating answer I should expect to be: "Undoubtedly; for, when passed, it would become a law, and would be therefore constitutional."

I admit the gentleman to be an exception to the generality of the statement which I have made, and that he holds the singular opinion that general appropriations are constitutional; and he holds it, too, for a reason as singular, as it appears to me, as the opinion itself. Though all others, so far as I know, hold that the law referred to in the constitution means some law passed previously to the appropriation, or, at least, independently of the appropriation, he holds it to be the identical law made by the appropriation.

A mind disposed to despondency, on a view of the falling fortunes of our free republic, would be apt to draw a gloomy presage from one peculiar feature of this debate. It has been made the occasion by the honorable mover of the resolutions, unprovoked to do it, unnecessarily to make an attack upon the defenders of the constitution; and to make their act, to prevent and preventing a violation of the constitution, a crime against the country. He professed his object to be to arraign them before the bar of the country on this criminal charge; and he spoke with confidence of their anticipated condemnation. In the great contest that is going on here, and has long been going on, between lawless power on the one side, and constitutional power on the other, and after so many triumphs of the former over the latter, perhaps he is not extravagant nor wild in his expectation of another, in this appeal to the people. This attempt to make the defence of the constitution a crime against the country, which before has been repeatedly made, and with too much success, I consider as one among the many sickly symptoms of our expiring liberties, and of the rapid approaches of death to our free Government. We have lived to see, and have seen it in this very case, a noble sentiment of devotion to the constitution—a sentiment that would have done honor to Roman virtue in the best days of Rome; and which, in better days of this republic, would have found an echo in every American bosom, denounced as a sentiment little short of treason to the country, and the denunciation received with a tempest of applause—I will not, for I am not permitted to say where, but where, I may say, of all places it ought least to have been expected. And this noble sentiment of devotion to the constitution, which ought to have made the author the idol of the people, is relied upon as a torch to kindle the popular indignation against him. And for this incendiary purpose, this torch is, by an extraordinary effort, to be carried to every region, and applied to every nook and corner of our wide domain. Yes, it is so; shut our eyes to the melancholy fact as we may, this constitution, the noblest fabric ever raised on earth by human wisdom for human liberty, is fast giving way; this torrent of lawless power is forcing it from its foundations; the people look on and see column falling after column, and they look on with unconcern; nay, instead of stemming, they yield, they add themselves to it, and swell the torrent; they seem to have eaten of the insane root, and to be madly in love with their own destruction. How else could they be invoked to adjure the great defender of the constitution as a traitor to his country, and to take a fervid sentiment of devotion to the constitution as the evidence of his guilt?

But let him not despond nor falter in his course; let him still pursue, as he hitherto has done, "that fame which follows, not that which is run after; that fame which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means." And if our free republic is doomed to perish, of which the signs are so many and so portentous, and by her own suicidal hands, still she will live in history; and history, the dispenser of fame, will charge herself with his. O! let him think how poor are all the honors of office, compared to the glory of being a chosen theme for the muse of history to celebrate, to be her promethean fire, to enkindle in the human breast the flame of patriotism in all aftertimes! Let him recollect that, whenever we think of the great men who have made the glory of any age or country, we think not of the offices they have filled, however dignified. No; these are sunk and lost out of sight; we think only of that splendor, of that halo of glory, which their minds and their achievements have thrown around them. Who now ever thinks of Demosthenes as the Senator of Areopagus, as the archon of Athens, as the ambassador so often to so many States, or as the acknowledged chief and leader of the Grecian confederacy for so many years? No; we think of him as the devoted patriot who bared his bosom and breasted the storm which he saw gathering and coming to overwhelm the liberties of his country; and which did come; did overwhelm these liberties, and break with a fearful and fatal violence on his own head; and we think, too, of that "resistless eloquence" which, in that cause, "shook the arsenal, and fulmined over Greece to Macedon, and Artaxerxes' throne;" whose animating sounds, at this distance of time, after the revolution of so many ages, still vibrate on the human ear; and whose stirring appeals still influence and carry with him the human heart.

Mr. CALHOUN now moved to lay the resolution on the table, in consequence of the change in our relations with France, which rendered their adoption unnecessary.

Mr. BENTON asked for the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, Moore, Naudain, Porter, Swift, Tyler—15.

NAYS—Messrs. Benton, Brown, Buchanan, Clayton, Ewing of Illinois, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Niles, Prentiss, Robbins, Ruggles, Tallmadge, Tomlinson, Wall, Webster, White, Wright—23.

So the motion was negatived.

The question was then taken on the motion to strike out the word "surplus," by yeas and nays, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Knight, Leigh, McKean, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Tyler, Webster—23.

NAYS—Messrs. Benton, Brown, Buchanan, Ewing of Illinois, Hill, Hubbard, King of Alabama, Linn, Morris, Niles, Ruggles, Shepley, Tallmadge, Tipton, Wall, White, Wright—17.

The question was then taken on the substitute for the first resolution, offered by Mr. PRESTON, and it was negatived.

Mr. EWING, of Ohio, then offered an amendment in the form of an additional resolution, but, on the suggestion of Mr. WEBSTER, withdrew his proposition, until the question should have been taken on the first resolution as amended.

Mr. CALHOUN moved to amend the resolutions by inserting, at the end of the first resolution, a new series of resolutions.

Mr. SHEPLEY said it was not his intention to enter into the debate upon the resolutions, but he wished to make a few remarks in relation to some of the topics which had been introduced in the course of the debate. And he desired first to call the attention of the Senate most distinctly to one of the statements made by the Senator from Ohio, [Mr. EWING.] In his estimate of the surplus in the treasury, he includes the seven millions of the stock of the Bank of the United States. It is, therefore, in his judgment, not only the duty of the bank to pay over that sum at the expiration of the charter, but it was to be remembered that it had been so stated here by the friends of the bank.

[Mr. EWING explained, in substance, that he had not asserted that the money would be then paid over, but that the amount might be realized by a sale of the stock; that the stock now sold so high as to enable us to raise from that stock, he thought, eight and a half millions of dollars.]

Mr. SHEPLEY said he was willing to receive the explanation, and desired only to present the case as the Senator wished to have it; but it was certainly presented to us to show that we were to legislate, and ought to legislate, as if it were certain that the amount of that stock would be in the treasury in season to meet the demands thus to be made upon it. Although this allegation had been made, and although he admitted that it has been correctly made, and believed that it ought to be placed in the treasury, he had no confidence that it would be so. He understood the Senator also to assert that there was a surplus over the seven millions, of about one million and a half, in the vaults of the bank, making in the whole to be applied to our use eight and a half millions.

[Mr. EWING explained, that he did not assert that there was such a surplus in the bank, but only expressed his belief that there was; it was his opinion merely.]

Mr. SHEPLEY said he did not understand the Senator, as speaking from actual knowledge, but as giving his opinion, as collected from the returns made by the bank, and from documents open to all. He believed that we might be justly entitled to the whole amount stated, and if the bank would pay us what was our due he would be glad; but he feared we should never get any thing in season for us to legislate upon it this session as available; and that nothing would be received until after the termination of an equitable process, to settle the affairs of the corporation. He did not expect, looking at the history of the past, that any thing would be paid without litigation. He would vote with the gentleman for a bill to sell the stock at any price not under par, as soon as he pleased. That there was a surplus in the treasury, after satisfying the amount chargeable upon it for the last year, he supposed, did not admit of doubt. But he did not think it was proper to legislate as if the amount of the stock of the bank was to come into the treasury the present year. Nor did he think it proper to regard the sum already appropriated by law, as existing in the treasury for any purpose of legislation. It could not be appropriated a second time. This sum, therefore, of about seven millions and a half of dollars, being already legally disposed of, must be deducted from the amount estimated to be in the treasury.

He could not be expected to place great confidence in the statements as to the condition of the treasury, when he recollected that two sessions since we were informed, from that side of the House, that the treasury was bankrupt; that the demands upon it could not be met; and when a report established the contrary, we were then told that the causes then operating would soon produce the result predicted. The Senator from South Carolina [Mr. Calhoun] takes to himself credit for having last session stated that there would be an excess of nine millions; but even he was silent, if my memory is right, when ruin and bankruptcy were so often predicted.

Another subject to which he wished to allude was the alarm exhibited by the Senator from South Carolina, [Mr. Calhoun,] lest the Government should obtain the control of public sentiment, and so influence public sentiment, and public opinion, as to maintain its power by the elections. This, it was supposed, was to be done first by the means of the office-holders.

One of the Senators informed us that the army and navy were "sound to the core," so that no aid can be expected or feared from them. Another class of officers, by which the elections were to be controlled, were the officers of the customs. No one as well acquainted as he was with their duties would expect much aid in the elections from them. Look at the character of their duties; their business is to enforce the laws, to collect the taxes, to seize upon property, and cause its forfeiture for violation of law. They are compelled as it were to pry into men's business, and to come in contact with their private interests and affairs. Such duties as these are not calculated to give them an influence over popular elections.

Another class was the land officers; and with their duties he was not familiar, but could readily perceive that they were to collect money from the citizens, to make entries for lands, and to decide upon conflicting pretensions; and it did not seem to him that these were duties calculated to make them very popular.

But the most formidable class, and the one most alarming to the gentleman, is that of the postmasters. By these public opinion was to be corrupted and controlled. A large portion of them, a very large majority, if they were bribed or influenced by money, were influenced by very small sums; and, from his knowledge of men, he thought that those who could be influenced for so small a sum of money to betray their principles, were of that character that he would prefer that their influence should be on the opposite side.

The money in the deposite banks, and the influence of those banks, were another source from which were to flow corrupting streams. If those whose fears were excited would examine, they would find, if he was not deceived, that a majority of the stock in those banks was held by those opposed to this administration. So far, then, as these were a source of power, if used at all, it would be used against the administration. The moneyed power in the country had been, and still was, against the people and against the administration. The people always must expect it to be opposed to them.

But even if the moneyed power were in favor of this administration, and there were a disposition to use it in purchasing and establishing presses, and in circulating newspapers, he then assured the Senator from South Carolina [Mr. Calhoun] there was little cause of alarm for the liberties of the country. It is true, that along the political highway we do find the political slain; they remain as memorials of the past, and as warnings for the future; but these were never slain by the slanders and abuse of a corrupt press. Nor is it in the power of the press, whether corrupt or pure, to destroy any man by general abuse, or general denunciation. All our past history teaches us that, among all the numbers who have been politically destroyed, not one has been so destroyed by general denunciations of the press, or by like denunciations delivered either in legislative halls or in public assemblies of the people. They have been destroyed by their own acknowledged sayings and doings. The people judge men by what they say and do; and it is only when the newspapers give a correct account of these sayings and doings, that they become formidable. Nor am I alarmed that the Senator has denounced the administration as corrupt, and the President as deceiving them, and as falsifying his promises. General denunciation and newspaper abuses, while it never destroyed one man, has, and may still, elevate others to stations to which, without it, they might never attain.

The freedom of debate seems to be the subject of much anxiety in a particular quarter; and from a quarter, too, where the freedom has been pretty freely used, and he hoped it would continue to be so used. He would not place the least restriction upon it; hoped it would continue to be used in all boldness and in all freedom. He hoped so, because, as he had already said, it was from these free sayings that the people learnt men's opinions; and a direction was given by them to public sentiment: if agreeable to the people, the man gained in the public favor; if otherwise, he declined.

Hence, when he heard the Senator on this floor, as it seemed to him, with bitterness and scorn denounce the democracy of the country, it occasioned no other feeling within him than sorrow that such a sentiment and feeling should have found a place in the breast of the Senator—sorrow that it dwelt there; but joy that, dwelling there, it came out, that the democracy might know it, and remember it, too, in all time to come.

Some occurrences here, he had noticed, seemed to amaze and excite the Senator from New Jersey, [Mr. Wall,] and if it would not be unacceptable to him, [Mr. W. assented.] he would endeavor to explain them. He supposed the Senator might have read the constitution, and have there learnt the duties of the Senate; there he might have learned that the Senate was a grave, deliberative assembly, a legislative body; that it also partook of the power of the Executive, and appeared as a great council in important matters concerning the nation; that it also partook of the judicial power, and might be a high and dignified tribunal, bringing before it for trial the highest officers in the country: so viewing it, he would regard it as sober, grave, deliberate, dignified.

But there was one portion of its practical duties that he might have overlooked; it was the part in which we were engaged five days out of six, or, it may be, four days out of five. It was only for about one out of four or five days that we were engaged in our constitutional duties, and on the other days we were employed as a grand electioneering central committee; and it was this part of our duties which the Senator from New Jersey seemed to have overlooked; not finding it in the constitution, it might not have occurred to him, and might have occasioned some surprise upon his first appearance in the Senate. And if that Senator would further indulge him, he would proceed to inform him, when in that grand committee of the whole on political affairs, how particular parts were apportioned out.

To the Senators from South Carolina seemed to be assigned the part of general denunciation, except that, occasionally, they assigned a very peculiar part of it to the Senator from North Carolina, [Mr. Mangum.]

To the Senator from Massachusetts, [Mr. Webster,] the part of guardian, protector, and expositor of the constitution; and it must be admitted that it was most ably and splendidly performed; but he fancied he could always perceive a weakness, even in his reasoning, when it was proposed to take power by construction from any other branch of the Government and appropriate it to this body.

To the Senator from Kentucky [Mr. Clay] seems to belong the part of originating all important political measures; a part performed with great ability, tact, and eloquence; and we quite well understand if a resolution is to be introduced to try the President unheard, or a bill to influence the people of the country through the distribution of their own money, from what quarter it comes.

To your colleague, the part of influence by the way of an increase of salaries, and the supply of extra compensations. Very well performed.

To the Senator from Rhode Island [Mr. Robbins] the part of introducing resolutions to give good jobs to the printers, that they may have the means of circulating freely all our political matter. And if, perchance, the Senator from Georgia [Mr. King] asks a reason for it, (a thing he is apt to do,) the Senator has the wisdom never to give him one.

In this grand central electioneering committee some of us are silent partners, and some of us do not like political work; and being of this last number himself, had taken very little part in it before this time, and now proposed to leave it.

Mr. MANGUM said he ought to make an apology to the honorable Senate, for the remarks which had drawn on him the rebuke of the Senator from Maine. The other day, he merely selected some of the most distinguished Senators, and assigned to them the line of duties which he supposed properly belonged to them, or rather he referred to the particular duties which seemed to be assigned to them by their friends. To the Senator from Missouri, for instance, he assigned the charge of the bank rags, and at the same time inquired of him, supposing him to have the best information on the subject, the cause of their great increase. He also assigned to the Senator from New York, a most able and distinguished Senator, the management of the affairs of the Albany regency. Also to the Senator from Pennsylvania, whose diplomatic education well qualified him for the charge, he assigned the superintendency of our foreign relations, &c. He had only referred, however, to the duties of the most distinguished Senators. Had he descended to the subordinate ranks, he certainly should not have passed by the Senator from Maine; and in assigning him his duties, he should have designated him as defender of the Kitchen Cabinet. It would be remembered that, in a speech made by the Senator at the last session, he distinctly said that "many good things came from the kitchen."

Mr. SHEPLEY said he thought so still; he had found many good things came from the kitchen, and hoped to find many more good things coming from the same place. But he would inform the Senator from North Carolina that the member of the Kitchen Cabinet whom he eulogized had since then been found to be so good that he had ascended from the kitchen, and the Senator could now ascend and meet him without going there.

Mr. LEIGH said, as he originally understood these resolutions, he had no objection to vote for them, more than any other abstract proposition. But the question was, whether, in voting for them, the effect would not be to pledge them to appropriate the revenue for these particular objects, for no matter how long, and to any extent.

Several gentlemen said that there would only be a pledge to vote so much as was necessary.

Mr. PORTER observed that he did not know what other gentlemen thought of these resolutions; they appeared to him to be no more than the expression of an abstract opinion. If any gentleman understood them otherwise, he wished them to explain them. In voting for these resolutions, he was not about to surrender his judgment as to what was necessary to be appropriated for the objects embraced in them; and he supposed that other gentlemen, in voting for them, agreed only to vote for what appropriations they themselves might think necessary. He was not for having his hands tied and his mouth stopped, should appropriations be brought up that he could not approve of; and he had, therefore, thought proper to make this explanation before taking the question.

Mr. BUCHANAN made some remarks upon the nature and character of the resolutions, and how far their adoption would pledge Senators to vote for appropriations in future. [These remarks gave rise to an explanation from Mr. Calhoun, in which he stated that Mr. Buchanan had always given his support to the fortifications necessary for the defence of the country.]

Mr. DAVIS observed that he had voted for laying these resolutions on the table, and he did it for this reason. The discussion had gone on for a great while, and he was content, for one, that it should be debated by others, and so long as there was a prospect, though a remote one, of hostilities with a foreign Power; while there was any prospect of an interruption to the pacific relations of the country, he was willing that the discussion should continue, and that it should be ended by an expression of opinion on the part of the Senate in the form contemplated in the resolutions. But within a few days past our foreign relations had undergone a favorable change; there seemed now no prospect of our being in a hostile state with any Power, and no change of our condition in that respect was expected for at least twenty years to come. These resolutions contemplated no action of the Government which would make a disposition of the funds of the country. They did not propose any appropriations. It therefore appeared that they had no other object but to get an opinion of that body as to the propriety of placing the country in a state of defence. For one, he was disposed to give a silent vote on this subject. The causes for the introduction of these resolutions having passed away, he voted for laying them on the table. So far as they contemplated regulating the votes of members in regard to future appropriations, he had heard that they trammelled no one; that he should be wholly unpledged. This he wished to be distinctly understood. With regard to the defences of the country, he would go as far as circumstances would justify; but every man could see that there was reason in all things; that neither for the good of the country, nor for any other purpose, was it necessary or expedient that extravagant appropriations should be made. Such a course would derange all things, and be productive of great and unnecessary expense. Hence the policy of making appropriations from year to year, of the amount that could conveniently be expended, had been adopted twenty years ago, not because the country had not the means of making larger appropriations, but because more could not be advantageously expended, and would create derangement and confusion. What was the difference? It was labor, brick, and mortar, after all. If, said he, you expend so many millions at once, you will derange the business of the country, by interfering with the labor and materials employed on railroads, canals, and other useful works. He rose to express these general views, and to explain that, in the vote he was about to give, he did not commit himself to vote for any further appropriations for fortifications than he himself might deem just and expedient, and suited to the condition and wants of the country.

Mr. BENTON said the Senator from Massachusetts, [Mr. DAVIS,] understood the effect of this resolution precisely as he did. It was the same in character, as the sinking fund act of 1790, and which was re-enacted in 1816. It was a declaration of policy, to let the public know what system was to be pursued.

During the forty years the sinking fund act continued in force, every member voted upon it, without being restricted. So upon the passing of this resolution, every gentleman could vote as to what amount he thought the state of the country required.

In the course of his travels last summer, he was frequently asked what should be done with the surplus revenue. He had uniformly answered—"set it apart for the great object of fortifying the country." He had met a hearty concurrence in the object thus expressed.

With respect to the occurrences indicating a war, which had passed away, he would state that the occasion was merely referred to by him, by way of giving emphasis to his argument. In those remarks he had several times declared that if he held the bond of fate in his hand for peace, he would still go on and prepare for war.

Something had been said about making an extraordinary demand for materials and labor. That consequence could not escape the notice of those who had charge of the large appropriation bills. I speak, said Mr. B., of the fortification bill. When that bill comes up, I will go into the consideration of this objection, and show it to be unfounded. In brief, we occupy (said he) a widely extended country, the outlines of which are four thousand miles in extent. One part serrated, another cut into indentations and deep bogs, one of them a thousand miles in circumference. Upon this vast extensive coast, it was entirely practicable to carry on a great amount of work without any one part interfering with another, or injuriously affecting the price of labor and materials.

Mr. CALHOUN now withdrew his amendment, and the question was taken on the first resolution as amended, and decided unanimously in the affirmative, the yeas being 42, including every Senator present.

So it was

Resolved, That so much of the revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country.

Mr. EWING submitted an amendment, in the form of a distinct resolution, but withdrew it, at the request of Mr. PRESTON, for the purpose of offering it at another time.

The other resolution was then agreed to.

On motion of Mr. BLACK, the Senate proceeded to the consideration of executive business; after which,

The Senate adjourned.

FRIDAY, FEBRUARY 19.

LIBRARY OF COUNT BOURTOULIN.

The resolution submitted yesterday by Mr. PRESTON, directing the Committee on the Library to inquire into the expendiency of purchasing the library of the late Count Bourtoulin, of Florence, was considered.

Mr. PRESTON said this library had been examined by a late and distinguished member of Congress from Georgia, (Mr. Wilde,) who was a gentleman of great literary attainments, and eminently qualified to judge of its value, and who had strongly recommended to this country the purchase of it. It was worth much more than it was offered for. He (Mr. P.) believed there was no difference of opinion in regard to the great value of it, and that it would be a proper acquisition to the library of Congress. An opportunity would never perhaps occur again to purchase such a one. It was by mere accident that the opportunity had presented itself. It embraced books in various languages, and many years of his life had been devoted to the collection of this vast library.

Mr. WEBSTER had a high opinion himself of the great value of this library. It was one of those collections rarely found, and such as he believed did not exist in any library of any of the United States, public or private. He understood the expense would not be very great. He thought this was a favorable opportunity to make a valuable addition, if Congress saw fit to make such addition, to their library.

The resolution was then adopted.

The joint resolution from the House, providing for the establishment of certain post routes in Missouri and Arkansas, was read the first time.

Mr. LINN said that this was a resolution of some importance, about which there could be no objection; and as it had already been examined and passed in the other House, he hoped it would be permitted to pass through its different stages at once. The object of the resolution was to give a necessary facility of intercourse between the different military posts on the frontiers.

Mr. CALHOUN thought that the bill ought to be referred in the usual way, and made a motion to that effect; which, Mr. LINN assenting, was agreed to.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. MANGUM said that it was on his motion that the memorial of the society of Friends on the subject of abolition had been laid on the table, and that he gave a pledge at the time to move to take it up at an early day. He had made the motion in consequence of the indisposition of the gentleman from Mississippi, who was entitled to the floor, and who was unable to go on with the discussion. He now, for the purpose of redeeming his pledge, moved to take up the memorial. Gentlemen might then make such disposition of it as they pleased.

Mr. PORTER asked why the motion could not be delayed until Monday. He hoped the Senate would not, by its vote, postpone the consideration of the general orders, which it seemed it was the general consent of the Senate to consider one day of the week, for the purpose of accelerating the debate on a subject that had already been sufficiently discussed.

Mr. CALHOUN observed that it never was his wish to bring on the debate on this subject. His whole object had been, from the beginning, defensive—to resist.

He had not any agency in bringing on the debate in the first instance; for he had restricted himself simply to demanding the question, without argument. While up, he would remind the Chair of the parliamentary rule, which had hitherto been lost sight of. He held it to be the duty of the Chair, when any doubt existed as to a petition's being unanimously received, to present to the House the question, "shall the petition be received?" without waiting for a member to demand it. This was the correct parliamentary rule, as laid down by Mr. Jefferson in his Manual; and the Chair, by adhering to it, would relieve him from the necessity of demanding the preliminary question when such petitions were presented.

Mr. **KING**, of Alabama, said that he differed entirely with the gentleman from South Carolina. We require, said he, that the member presenting a petition shall state the substance of it, in order that any member objecting to receiving it may make his objections known. He recollected the parliamentary rule; but, said he, it is not our rule, but the rule of the British Parliament. He had no disposition to accelerate the discussion of the question. Had his inclination been consulted, the discussion would never have commenced at all, for he would have given the petitions the usual reference, and waited for a report, in order that the Senate might take such a course as would put the subject to rest. It was the question made by the gentleman from South Carolina that brought on the discussion. Gentlemen who felt that the right of petition was involved by it considered themselves bound to go into the discussion. He was not prepared, the moment a petition for abolition came in, to refuse to receive it, although he knew the petitioners asked what he could not constitutionally do. The proper course would be, when such petitions came in, to give to them the usual action, and then such an expression of opinion might be had as would put the subject at rest. Other gentlemen, coming from the same section of country that he did, thought with him, that the right of petition ought not to be infringed, though they were as much opposed as any one could be to the objects of the petitioners. If, when the motion of the gentleman from Pennsylvania to reject the petition came up, the petition should be unanimously rejected, it would have a greater effect in putting an end to discussion on the subject than the question of the gentleman from South Carolina, which, in fact, he thought had brought it on.

Mr. **CALHOUN** had made no question of order. He had merely suggested his construction of what the parliamentary rule was. It was the duty of the Chair not to put any question of receiving a petition until a regular motion was made. There was either a rule to receive or not to receive. If there was no such rule, he had no right to insist. He considered it put down as one of the rules applicable to this country. He wished it to be settled that when a petition is to be received hereafter, the question should be made by the Chair as to receiving it.

Mr. C. here read from Jefferson's Manual the rule in substance that, when petitions are presented, the preliminary question is, whether they shall be received.

Mr. **WALL** apprehended that this was not a time for a discussion of questions involving a great constitutional principle. Whenever that time should arrive, he would undertake to show there was no such rule, requiring the question first to be made whether a petition should be received; and that the Senate had no right to make such a rule. He should endeavor to show that the rule was adapted to the meridian of the country where it was made, and where the right of petition was abridged by the laws. He would undertake to show that it was not applicable to our legislation, but directly in the teeth of our constitution. He would undertake to show that the whole Congress could not make a rule by which petitions might not be received; and if Congress could not, that the Senate could not do it. Every deliberative body might require that petitions presented to them should be drawn up in proper and respectful language—this the Senate had a right to judge of; but he held that no parliamentary rule could interfere with the sacred right of petition, which was secured by the constitution.

The memorial was then taken up, and postponed to Monday next.

MOSES SHEPPARD.

The bill for the relief of Moses Sheppard was taken up and discussed at length, chiefly by Mr. **HENDRICKS**, Mr. **TYLER**, and Mr. **SHEPLEY**. A few remarks were also made by Mr. **PRENTISS**, Mr. **BUCHANAN**, Mr. **KNIGHT**, and Mr. **NILES**. The question was taken on the third reading of the bill, the yeas and nays being called, and decided as follows:

YEAS—Messrs. Clay, Ewing of Illinois, Hendricks, Kent, Knight, Leigh, Linn, McKean, Prentiss, Robbins, Robinson, Southard, Tyler—13.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Ewing of Ohio, Hill, Hubbard, King of Alabama, King of Georgia, Mangum, Morris, Niles, Porter, Preston, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, White, Wright—24.

So the bill was rejected.

The Senate proceeded to consider the bill to authorize the Leavenworth and Bloomington Railroad Company to survey and mark through the public lands the routes of their railroads.

Mr. **HENDRICKS** moved to amend the bill by extending the privilege to every railroad company.

Before the question was disposed of,

It was ordered, that when the Senate adjourn, it adjourn to meet on Monday; and

The Senate adjourned.

MONDAY, FEBRUARY 22.

ROBERT J. WALKER, Senator elect from the State of Mississippi, appeared, was qualified, and took his seat.

RELATIONS WITH FRANCE.

The following message and documents were received from the President of the United States, by the hands of Mr. DONELSON, his private secretary, viz:

To the Senate and House of Representatives:

I transmit, herewith, to Congress, copies of the correspondence between the Secretary of State and the chargé d'affaires of his Britannic Majesty, relative to the mediation of Great Britain in our disagreement with France, and to the determination of the French Government to execute the treaty of indemnification, without further delay, on the application for payment by the agent of the United States.

The grounds upon which the mediation was accepted will be found fully developed in the correspondence. On the part of France the mediation had been publicly accepted before the offer of it could be received here. Whilst each of the two Governments has thus discovered a just solicitude to resort to all honorable means of adjusting amicably the controversy between them, it is a matter of congratulation that the mediation has been rendered unnecessary. Under such circumstances, the anticipation may be confidently indulged that the disagreement between the United States and France will not have produced more than a temporary estrangement. The healing effects of time, a just consideration of the powerful motives for a cordial good understanding between the two nations, the strong inducements each has to respect and esteem the other, will no doubt soon obliterate from their remembrance all traces of that disagreement.

Of the elevated and disinterested part the Government of Great Britain has acted, and was prepared to act, I have already had occasion to express my high sense. Universal respect, and the consciousness of meriting it, are with Governments, as with men, the just rewards of those who faithfully exert their power to preserve peace, restore harmony, and perpetuate good will.

I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive, or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. From the nature of our institutions, the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war. I submit it then to you, whether the first duty we owe to the people who have confided to us their power is not to place our country in such an attitude as always to be so amply supplied with the means of self-defence as to afford no inducement to other nations to presume upon our forbearance, or to expect important advantages from a sudden assault, either upon our commerce, our seacoast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time inevitably elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger, and, if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred, could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions, that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now, fortunately, so situated that the expenditure for this purpose will not be felt; and, if it were, it would be approved by those from whom all its means are derived, and for whose benefit only it should be used with a liberal economy and an enlightened forecast.

In behalf of these suggestions, I cannot forbear repeating the wise precepts of one whose counsels cannot be forgotten: "The United States ought not to indulge a persuasion that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms, with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are, at all times, ready for war."

ANDREW JACKSON.

FEBRUARY 22, 1836.

Documents accompanying the message.

WASHINGTON, *January* 27, 1836.

The undersigned, his Britannic Majesty's chargé d'affaires, has been instructed to state to Mr. Forsyth, the Secretary of State of the United States, that the British Government has witnessed with the greatest pain and regret the progress of the misunderstanding which has lately grown up between the Governments of France and of the United States. The first object of the undeviating policy of the British cabinet has been to maintain uninterrupted the relations of peace between Great Britain and the other nations of the world, without any abandonment of national interests, and without any sacrifice of national honor. The next object to which their anxious and unremitting exertions have been directed has been, by an appropriate exercise of the good offices and moral influence of Great Britain, to heal dissensions which may have arisen among neighboring Powers, and to preserve for other nations those blessings of peace which Great Britain is so desirous of securing for herself.

The steady efforts of His Majesty's Government have hitherto been fortunately successful in the accomplishment of both these ends; and while Europe, during the last five years, has passed through a crisis of extraordinary hazard without any disturbance of the general peace, his Majesty's Government has the satisfaction of thinking that it has, on more than one occasion, been instrumental in reconciling differences which might otherwise have led to quarrels, and in cementing union between friendly Powers.

But if ever there could be an occasion on which it would be painful to the British Government to see the relations of amity broken off between two friendly States, that occasion is undoubtedly the present, when a rupture is apprehended between two great Powers, with both of which Great Britain is united by the closest ties: with one of which she is engaged in active alliance, with the other of which she is joined by community of interest and by the bonds of kindred.

Nor would the grounds of difference on the present occasion reconcile the friends and well-wishers of the differing parties to the misfortune of an open rupture between them.

When the conflicting interests of two nations are so opposed on a particular question as to admit of no possible compromise, the sword may be required to cut the knot which reason is unable to untie.

When passions have been so excited on both sides that no common standard of justice can be found, and what one party insists on as a right the other denounces as a wrong, prejudice may become too headstrong to yield to the voice of equity; and those who can agree on nothing else may consent to abide the fate of arms, and to allow that the party which shall prove the weakest in the war shall be deemed to have been wrong in the dispute.

But in the present case there is no question of national interest at issue between France and the United States. In the present case there is no demand of justice made by one party and denied by the other. The disputed claims of America on France, which were founded upon transactions in the early part of the present century, and were for many years in litigation, have at length been established by mutual consent, and are admitted by a treaty concluded between the two Governments. The money due by France has been provided by the Chambers, and has been placed at the disposal of the French Government for the purpose of being paid to the United States.

But questions have arisen between the two Governments, in the progress of those transactions, affecting, on both sides, the feelings of national honor; and it is on this ground that the relations between the parties have been for the moment suspended, and are in danger of being more seriously interrupted.

In this state of things, the British Government is led to think that the good offices of a third Power, equally the friend of France and of the United States, and prompted by considerations of the highest order most earnestly to wish for the continuance of peace, might be useful in restoring a good understanding between the two parties, on a footing consistent with the nicest feelings of national honor in both.

The undersigned has, therefore, been instructed by his Majesty's Government formally to tender to the Government of the United States the mediation of Great

Britain for the settlement of the differences between the United States and France, and to say that a note, precisely similar to the present, has been delivered to the French Government by his Majesty's ambassador at Paris. The undersigned has, at the same time, to express the confident hope of his Majesty's Government, that if the two parties would agree to refer to the British Government the settlement of the point at issue between them, and to abide by the opinion which that Government might, after due consideration, communicate to the two parties thereupon, means might be found of satisfying the honor of each, without incurring those great and manifold evils which a rupture between two such Powers must inevitably entail upon both.

The undersigned has the honor to renew to Mr. Forsyth the assurance of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,
Washington, Feb. 3, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive the note of the 27th ultimo, of Mr. Charles Bankhead, his Britannic Majesty's chargé d'affaires, offering to the Government of the United States the mediation of his Britannic Majesty's Government for the settlement of the differences unhappily existing between the United States and France. That communication having been submitted to the President, and considered with all the care belonging to the importance of the subject and the source from which it emanated, the undersigned has been instructed to assure Mr. Bankhead that the disinterested and honorable motives which have dictated the proposal are fully appreciated. The pacific policy of his Britannic Majesty's cabinet, and their efforts to heal dissensions arising among nations, are worthy of the character and commanding influence of Great Britain; and the success of those efforts is as honorable to the Government by whose instrumentality it was secured as it has been beneficial to the parties more immediately interested, and to the world at large.

The sentiments upon which this policy is founded, and which are so forcibly displayed in the offer that has been made, are deeply impressed upon the mind of the President. They are congenial with the institutions and principles, as well as with the interests and habits, of the people of the United States; and it has been the constant aim of their Government, in its conduct towards other Powers, to observe and illustrate them. Cordially approving the general views of his Britannic Majesty's Government, the President regards with peculiar satisfaction the enlightened and disinterested solicitude manifested by it for the welfare of the nations to whom its good offices are now tendered, and has seen with great sensibility, in the exhibition of that feeling, the recognition of that community of interests and those ties of kindred by which the United States and Great Britain are united.

If circumstances did not render it certain, it would have been obvious, from the language of Mr. Bankhead's note to the undersigned, that the Government of his Britannic Majesty, when the instructions under which it was prepared were given, could not have been apprized of all the steps taken in the controversy between the United States and France. It was necessarily ignorant of the tenor of the two recent messages of the President to Congress; the first communicated at the commencement of the present session, under date of the 7th of December, 1835, and the second under that of the 15th of January, 1836. Could these documents have been within the knowledge of his Britannic Majesty's Government, the President does not doubt that it would have been fully satisfied that the disposition of the United States, notwithstanding their well-grounded and serious causes of complaint against France, to restore friendly relations and cultivate a good understanding with the Government of that country, was undiminished, and that all had already been done, on their part, that could in reason be expected of them, to secure that result. The first of these documents, although it gave such a history of the origin and progress of the claims of the United States, and of the proceedings of France before and since the treaty of 1831, as to vindicate the statements and recommendations of the message of the 1st December, 1834, yet expressly disclaimed the offensive interpretation put upon it by the Government of France; and while it insisted on the acknowledged rights of the United States, and the obligations of the treaty, and maintained the honor and independence of the American Government, evinced an anxious desire to do all that constitutional duty and strict justice would permit, to remove every cause of irritation and excitement. The special message of the 15th January last, being called for by the extraordinary and inadmissible demands of the Government of France, as defined in the last official communications at Paris, and by the continued refusal of France to execute a treaty, from the faithful performance of which by the United States it was tranquilly enjoying important advantages, it became the duty of the President to recommend such measures as might be adapted to the exigencies of the occasion. Unwilling to believe that a nation distinguished for honor and intelligence could have determined permanently to maintain a ground so indefensible, and anxious still to leave open the door of reconciliation, the President contented himself with proposing to Congress the mildest of the remedies given by the law and practice of nations, in connexion with such propositions for defence as were evidently required by the condition of the United States and the attitude assumed by France. In all these proceedings, as well as in every stage of these difficulties with France, it is confidently believed that the course of the United States, when duly considered by other Governments and the world, will be found to have been marked, not only by a pacific disposition, but by a spirit of forbearance and conciliation.

For a further illustration of this point, as well as for the purpose of presenting a lucid view of the whole subject, the undersigned has the honor to transmit to Mr. Bankhead copies of all that part of the message of December 7, 1835, which relates to it, and of the correspondence referred to therein, and also copies of the message and accompanying documents, of the 15th of January, 1836, and of another message of the 18th of the same month, transmitting a report of the Secretary of State, and certain documents connected with the subject.

These papers, while they bring down the history of the misunderstanding between the United States and France to the present date, will also remove an erroneous impression which appears to be entertained by his Britannic Majesty's Government. It is suggested in Mr. Bankhead's note that there is no question of national interest at issue between France and the United States, and that there is no demand of justice made by the one party and denied by the other. This suggestion appears to be founded on the facts that the claims of the United States have been admitted by a treaty concluded between the two Governments, and that the money due by France has been provided by the Chambers and placed at the disposal of the French Government for the purpose of being paid to the United States. But it is to be observed that the payment of the money thus appropriated is refused by the French Government unless the United States will first comply with a condition not contained in the treaty, and not assented to by them. This refusal to make payment is, in the view of the United States, a denial of justice, and has not only been accompanied by acts and language of which they have great reason to complain, but the delay of payment is highly injurious to those American citizens who are entitled to share in the indemnification provided by the treaty, and to the interests of the United States, inasmuch as the reduction of the duties levied on French wines, in pursuance of that treaty, has diminished the public revenue, and has been, and yet is, enjoyed by France, with all the other benefits of the treaty, without the consideration and equivalents for which they were granted. But there are other national interests, and, in the judgment of this Government, national interests of the highest order, involved in the condition prescribed and insisted on by France, which it has been, by the President, made the duty of the undersigned to bring distinctly into view. That condition proceeds on the assumption that a foreign Power, whose acts are spoken of by the President of the United States in a message to Congress, transmitted in obedience to his constitutional duties, and which deems itself aggrieved by the language thus held by him, may, as a matter of right, require from the Government of the United States a direct official explanation of such language, to be given in such form, and expressed in such terms, as shall meet the requirements and satisfy the feelings of the offended party, and may, in default of such explanation, annul or suspend a solemn treaty duly executed by its constitutional organ. Whatever may be the responsibility of those nations whose Executives possess the power of declaring war, and of adopting other coercive remedies, without the intervention of the legislative department, for the language held by the Executive in addressing that department, it is obvious that, under the constitution of the United States, which gives to the Executive no such powers, but vests them exclusively in the Legislature, whilst, at the same time, it imposes on the Executive the duty of laying before the Legislature the state of the nation, with such recommendations as he may deem proper, no such responsibility can be admitted without impairing that freedom of intercommunication which is essential to the system, and without surrendering, in this important particular, the right of self-government. In accordance with this view of the federal constitution has been the practice under it. The statements and recommendations of the President to Congress are regarded by this Government as a part of the purely domestic consultations held by its different departments; consultations in which nothing is addressed to foreign Powers, and in which they cannot be permitted to interfere, and for which, until consummated and carried out by acts emanating from the proper constitutional organs, the nation is not responsible, and the Government not liable to account to other States.

It will be seen, from the accompanying correspondence, that, when the condition referred to was first proposed in the Chamber of Deputies, the insuperable objections to it were fully communicated by the American minister at Paris to the French Government, and that he distinctly informed it that the condition, if prescribed, could never be complied with. The views expressed by him were approved by the President, and have been since twice asserted and enforced by him in his messages to Congress, in terms proportioned, in their explicitness and solemnity, to the conviction he entertains of the importance and inviolability of the principle involved.

The United States cannot yield this principle, nor can they do, or consent to, any measure by which its influence in the action of their political system can be obstructed or diminished. Under these circumstances, the President feels that he may rely on the intelligence and liberality of his Britannic Majesty's Government for a correct estimation of the imperative obligations which leave him no power to subject this point to the control of any foreign State, whatever may be his confidence in its justice and impartiality, a confidence which he has taken pleasure in instructing the undersigned to state is fully reposed by him in the Government of his Britannic Majesty.

So great, however, is the desire of the President for the restoration of a good understanding with the Government of France, provided it can be effected on terms compatible with the honor and independence of the United States, that if, after the frank avowal of his sentiments upon the point last referred to, and the explicit reservation of that point, the Government of his Britannic Majesty shall believe that its mediation can be useful in adjusting the differences which exist between the two countries, and in restoring all their relations to a friendly footing, he instructs the undersigned to inform Mr. Bankhead that in such case the offer of mediation made in his note is cheerfully accepted.

The United States desire nothing but equal and exact justice; and they cannot but hope that the good offices of a third Power, friendly to both parties, and prompted by the elevated considerations manifested in Mr. Bankhead's note, may promote the attainment of this end. Influenced by these motives, the President will cordially co-operate, so far as his constitutional powers may enable him, in such steps as may be requisite, on the part of the United States, to give effect to the proposed mediation. He trusts that no unnecessary delay will be allowed to occur, and instructs the undersigned to request that the earliest information of the measures taken by Great Britain, and of their result, may be communicated to this Government.

The undersigned avails himself of the occasion to renew to Mr. Bankhead the assurances of his distinguished consideration.

JOHN FORSYTH.

Charles Bankhead, Esq.,
Chargé d'Affaires of his Britannic Majesty.

Washington, *February* 15, 1836.

The undersigned, his Britannic Majesty's chargé d'affaires, with reference to his note of the 27th of last month, has the honor to inform Mr. Forsyth, Secretary of State of the United States, that he has been instructed by his Government to state that the British Government has received a communication from that of France, which fulfils the wishes that impelled his Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the differences between France and the United States.

The French Government has stated to that of his Majesty, that the frank and honorable manner in which the President has, in his recent message, expressed himself with regard to the points of difference between the Governments of France and the United States, has removed those difficulties, upon the score of national honor, which have hitherto stood in the way of the prompt execution by France of the treaty of the 4th July, 1831, and that, consequently, the French Government is now ready to pay the instalment which is due on account of the American indemnity, whenever the payment of that instalment shall be claimed by the Government of the United States.

The French Government has also stated that it made this communication to that of Great Britain, not regarding the British Government as a formal mediator, since its offer of mediation had then reached only the Government of France, by which it had been accepted; but looking upon the British Government as a common friend of the two parties, and, therefore, as a natural channel of communication between them.

The undersigned is further instructed to express the sincere pleasure which is felt by the British Government at the prospect thus afforded of an amicable termination of a difference which has produced a temporary estrangement between two nations who have so many interests in common, and who are so entitled to the friendship and esteem of each other; and the undersigned has also to assure Mr. Forsyth that it has afforded the British Government the most lively satisfaction to have been, upon this occasion, the channel of a communication which they trust will lead to the complete restoration of friendly relations between the United States and France.

The undersigned has great pleasure in renewing to Mr. Forsyth the assurances of his most distinguished consideration.

CHARLES BANKHEAD.

The Hon. JOHN FORSYTH, &c.

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DEPARTMENT OF STATE,
Washington, February 16, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive Mr. Bankhead's note of the 15th instant, in which he states, by the instructions of his Government, that the British Government have received a communication from that of France, which fulfils the wishes that impelled his Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the differences between France and the United States; that the French Government, being satisfied with the frank and honorable manner in which the President has, in his recent message, expressed himself in regard to the points of difference between the two Governments, is ready to pay the instalment due on account of the American indemnity, whenever it shall be claimed by the Government of the United States; and that this communication is made to the Government of Great Britain not as a formal mediator, but as a common friend of both parties.

The undersigned has submitted this note of his Britannic Majesty's chargé d'affaires to the President, and is instructed to reply that the President has received this information with the highest satisfaction—a satisfaction as sincere as was his regret at the unexpected occurrence of the difficulty created by the erroneous impressions heretofore made upon the national sensibility of France.

By the fulfilment of the obligations of the convention between the two Governments, the great cause of difference will be removed, and the President anticipates that the benevolent and magnanimous wishes of his Britannic Majesty's Government will be speedily realized, as the temporary estrangement between the two nations, who have so many common interests, will no doubt be followed by the restoration of their ancient ties of friendship and esteem.

The President has further instructed the undersigned to express to his Britannic Majesty's Government his sensibility at the anxious desire it has displayed to preserve the relations of peace between the United States and France, and the exertions it was prepared to make to effectuate that object, so essential to the prosperity and congenial to the wishes of the two nations, and to the repose of the world. Leaving his Majesty's Government to the consciousness of the elevated motives which have governed its conduct, and to the universal respect which must be secured to it, the President is satisfied that no expressions, however strong, of his own feelings, can be appropriately used, which could add to the gratification afforded to his Majesty's Government at being the channel of communication to preserve peace and restore good will between differing nations, each of whom is its friend.

The undersigned avails himself of this occasion to renew to Mr. Bankhead the assurance of his distinguished consideration.

JOHN FORSYTH.

CHARLES BANKHEAD, Esq., &c.

The message and documents having been read,

Mr. CLAY rose to propose the proper disposition of the message, without being sure what would be the most appropriate or agreeable to the Senate. But before he submitted any motion, he hoped he would be allowed to express the satisfaction, shared, he was certain, by every member of the Senate, which the amicable termination of our unhappy controversy with France had produced. And he could not withhold his congratulations for the important agency which the Senate had exercised in bringing about this auspicious result. If (said Mr. C.) the Senate had not, at the last session, by a unanimous vote, declared its conviction that no legislation whatever was necessary in respect to our French relations at that time; and if they had lent themselves to the purpose of the President to pass a law authorizing reprisals upon French property—does, can any man doubt that war, with all its train of horrors, would now be raging between two enlightened countries? Or if the Senate had yielded to the unconstitutional appropriation of three millions of dollars, irresponsibly proposed at the very close of the last session, without any precautionary specification of object, is there not cause to apprehend that, instead of now enjoying all the blessings of peace, we should be suffering all the calamity of a most unnecessary war?

I will not (continued Mr. C.) attempt to diminish the gratification which all must feel from the happy adjustment now announced. Great mistakes, in the negotiations and correspondence between the two Governments, have been committed on both sides; but on all these I shall not detain the Senate. It may not, however, be without its future use to advert, for a moment, to the chief obstacle which has obstructed the settlement of the difference. That has been the assertion of the principle, that when the President of the United States, charged by the constitution with maintaining our intercourse with all foreign nations, sends a public message to Congress, publicly read in the presence of all the diplomatic corps assembled at Washington, and given to the whole world through the public press, no foreign Power has a right to complain, to remonstrate, or to ask explanations of any language used towards itself, however offensive that language may be. I am not about to express any opinion upon that principle; but, if it be true, all must agree that the Chief Magistrate should use the utmost caution and circumspection in the official language of such documents. All must also admit the rule of reciprocity; and, consequently, that, although the King of France in addressing the Chambers, or the King of Great Britain in addressing Parliament, should charge the United States with bad faith, and the violation of solemn pledges, and should, pending peaceful and earnest endeavors to settle a controversy, threaten an appeal to force, the United States would be bound to submit to the insult and indignity, without complaint, without remonstrance, without the poor satisfaction of even asking an explanation.

But let us test the theory and the practice under this principle during the present administration. Great praise would be due, if it be merited, for guarding our domestic concerns against all foreign interference or intermeddling. But what course was pursued on the memorable colonial question? A late Secretary of State, in giving instructions to the minister of the United States at the court of Great Britain, authorized him to say that the Government of the United States—that is to say, a preceding administration—had insisted too long upon a particular pretension, and that it had been condemned by the people of the United States. The attention of Great Britain was challenged to the parts which, on that question, had been acted by the new administration; that is, to the parts respectively taken by the Secretary of State, by the Secretary of War, by the Secretary of the Treasury, by the Secretary of the Navy, and by the minister himself, in the Congress of the United States. Could there have been a more distinct or dangerous invitation to a foreign Power in respect to our internal concerns? a more intelligible hint to grant concessions founded upon previous friendly services?

And what was this pretension, in regard to which the prior administration had displayed too much pertinacity? It was nothing more nor less than the humble privilege of carrying our own products in our own vessels to British colonial ports on the same conditions as similar products might be brought there from any other place in any other vessels—a privilege asserted by the act of the 3d of March, 1823, for which, I believe, the Secretary had himself voted.

But let us test the principle alluded to by what has transpired in our negotiations and correspondence with France alone. It was violated in 1830, when Mr. Rives made an explanation to Prince Polignac of a message of the President to Congress which had given offence to France; and when the then Secretary of State (although the Prince had been previously satisfied) pressed upon Mr. Rives a further and an elaborate apology for the offensive language of the message. It was violated by Mr. Livingston, when, in January of last year, he undertook, without instructions, to explain the message of December, 1834: and, surely, it cannot be contended that the case of an unauthorized explanation, which is subsequently approved, is less strong than when the authority precedes the explanation. In the former instance the dangerous precedent is set of a minister's assuming to act without instructions. It was violated in June last, when the Secretary of State, with the previous authority of the President, in a complimentary letter to Mr. Livingston, approved a second time of the explanation which he had given to France. It was again violated in the message of December last, when the President, almost in the very language, certainly embracing every idea, made the explanations required by the Duc de Broglie in his despatch to M. Pageot. It is manifest that, although the copy of that despatch was twice refused, and although Mr. Forsyth, three days after it was first read by him, transmitted to Mr. Barton his final instructions, without saying one word about it, that the explanatory language of the message was made to conform exactly to the requirements of the despatch. The message was prepared to obtain with France the merit of a satisfactory explanation, and with the people of the United States the merit of refusing, upon high national ground, all explanation. The President protested that he never would apologize, and made an apology! that he never would explain, and made a satisfactory explanation! I rejoice that France, much as I think she has occasionally erred, had the wisdom to recognise and receive it as such. She had taken a false position in withholding payment of a just and uncontested debt until a supposed stain, inflicted upon her good faith and honor, was effaced. This vindication of her good faith would have been the payment of the debt; and, when paid, she would have been in a fair and disinterested attitude for demanding satisfaction to her insulted honor. Finally, the principle alluded to was violated in the terms in which the British mediation has been accepted. Whilst the President will not, he declares, make France directly any explanation, all the means are put by him in the hands of the common mediator to afford the most ample and satisfactory explanation.

But I will not longer dwell upon the painful incidents of our late unfortunate controversy. Let them be absorbed in the general satisfaction which its happy termination will diffuse throughout the land, or be recollected only to guard hereafter against the repetition of similar errors. We have escaped—I thank God we have escaped—from all danger of war with France. It would have been a war, if it had broken out, the scandal of an enlightened age, and highly discreditable to both parties—a war, in which neither civil liberty, nor maritime nor territorial rights, nor national independence, nor true national honor, was involved—a war, of which the immediate cause was an unfortunate message, and the ultimate object an inconsiderable debt, cancelled by the very act declaring it—a message which was regretted by the Senate, regretted by the House of Representatives, and regretted by the whole country; and which, whatever may have been the spirit or patriotism which dictated it, all viewed as rash, intemperate, and dangerous to the peace of the country. To be delivered from all hazard of being involved in such a war, affords just cause of general joy and gratulation.

Nor, sir, ought we ever to forget the noble part which Great Britain has acted in this unhappy dispute. If war had broken out between the United States and France, and had continued any length of time, her neutral position would have enabled her greatly to have profited by it. She would have carried on the commerce, to a large extent, of both belligerants, and her marine must have been highly benefited. Overlooking all these advantages, with rare disinterestedness and magnanimity, she tendered her friendly offices to produce an accommodation; and she well deserves the praise which the President has so appropriately bestowed.

I have, sir, but one regret on this pleasing occasion, and it is, that we are not allowed any time for repose and rejoicing. Our good old President has hardly terminated the French war, before he declares a new one against the surplus fund. I do hope that he will now turn his thoughts on peace; or, if that be impossible, that his friends at least on this floor, cherishing its spirit and its principles, will unite with us in an equitable distribution, upon the principles of the land bill, of a liberal portion of that fund. I assure them of my thorough conviction that, even for the purposes of defence and war, an investment of a large part of that fund in useful improvements, which will admit of rapid transportation of our means and our strength, will be far better and wiser than profusely to waste it on unnecessary fortifications.

Mr. Clay concluded by moving to lay the message on the table, and to print it.

The message and documents were accordingly ordered to lie on the table and be printed. And, on motion of Mr. BUCHANAN, 5,000 extra copies thereof were ordered to be printed. After which,

On motion of Mr. PRESTON, the Senate adjourned.

Tuesday, February 23.

REPORT ON PRINTING.

The report of the Committee on the Contingent Fund of the Senate, to which had been referred the resolution submitted by Mr. Southard on the subject of printing, was considered. The report recommends the adoption of the resolution which provides for rescinding a rule of the Senate requiring the Secretary, when the same document is ordered to be printed by both Houses, to make such an arrangement with the Clerk of the House as will prevent the paying for its double composition.

The question being on concurring with the report of the committee,

Mr. BENTON observed that, as that report and resolution went to undo a very wholesome and necessary regulation adopted by the Senate, with a view of preventing great mischief, he wished to call the particular attention of the Senate to it. He should be very unwilling to see the present rule changed, and the mischievous consequences of the former practice again ensuing. We all know, said he, when the present rule was adopted, what vast quantities of printing was ordered, and paid double for, at both ends of the Capitol; and that, after a distribution by tons weight among the trunk makers, the domestic market was glutted. Before that time, the documents were sold in the city, at four to five cents per pound, to the trunk makers and grocers; but, after the great panic session, at which double sets of documents were printed by cart loads, with the names, too, of men both alive and dead, the domestic market was glutted; and, he had been told by the servants, whose perquisites these documents generally were, that they fell to about two cents per pound: they fell like the prices of butter and eggs in the interior of New York, which they were so feelingly told of in one of these panic memorials. Now, he hoped that the resolution which would introduce a practice so mischievous, opening the floodgates to a great deal of useless printing, would not prevail. If, however, the Senate should, contrary to his expectation, adopt it at the present moment, he gave notice that he should consider it his bounden duty, at the earliest opportunity that he saw a chance of succeeding, to move to rescind it.

Mr. SOUTHARD did not think three or four thousand dollars for printing extravagant. The whole object he had (in view was set forth in the report of the committee which had just been read, and to whom the subject, on his motion, had been referred. Documents sent to the Senate, and ordered by it to be printed, the Secretary of the Senate had first to go to the House of Representatives, and ascertain whether it had been ordered by that House. If ordered there, he could not get it printed, and it never appeared in the bound volumes of the Senate. The printer of the House of Representatives was not under the control of the Senate, and the result was that the printing was done, which had been ordered by the Senate, under the direction and superintendence of an officer of the House of Representatives, who was not amenable to the Senate. The Senate might order the printing of an important document, and the committee be ready to act upon it, but could not do so until printed under the order of the House of Representatives, and the committee would consequently have to wait for it. The committee of the Senate must wait on the will of the officer of that House, who would be sure to give a preference to the committee of that branch to which he belonged. The delay, in his (Mr. S's) opinion, caused the loss of more money than if printed under the order of the Senate. If a Senator wished a document of a preceding session, ordered to be printed by the Senate, he goes to look for it it the books of the Senate, and it is not to be found any where among the Senate documents. He therefore must search for it among the House documents. The Senate documents, therefore, did not give a faithful history of the Senate proceedings. As to that part of the report relating to printers themselves, the Senate must act as it felt. The printers of the Senate have to be in readiness to do the printing promptly. They had to have in their employment a large number of hands, at great expense, to enable them speedily to do the printing of the Senate, and he thought it not fair treatment, under their contract, to withhold from them the printing that especially belonged to them. The printing was not enormous in amount, and the amount of money required to have it done would not hinder him from voting for what he conceived necessary to enable him to perform his duties promptly and faithfully.

Mr. LINN said that, as some difference of opinion on this subject seemed to exist among gentlemen of greater experience than himself, he should like to have an opportunity of inquiring into it further. If it was necessary for the public service that the resolution should pass, he would cheerfully give it his support; but if, on the contrary, the resolution would introduce a wasteful and extravagant expenditure, he must oppose it. He was, however, entirely unacquainted with the subject, and would be pleased if the resolution could be laid on the table for a few days, to give him an opportunity of examining into it. Mr. L. then made a motion to that effect; which was agreed to.

FORTIFICATION BILL.

Mr. BENTON said that, as it was one o'clock, he would avail himself of that opportunity, the earliest that had been afforded him, to move to take up the fortification bill, in pursuance of the instructions of the committee. He hoped there would be no objection on the part of the Senate to take up the bill at this time.

Mr. EWING had been anxious to get up the land bill, and it would be recollected that it was on his motion that that bill had been made the order for Monday last. Inasmuch, however, as the fortification bill had been waiting for some days, and as the public service required that the subject should receive an early attention, there would be no objection to taking it up on his part.

The bill was then taken up and read.

[The bill proposes that the following sums be, and the same are hereby, appropriated, to be be paid out of any unappropriated money in the treasury, for certain fortifications, viz:

At Penobscot bay, one hundred and one thousand dollars.

At Kennebeck river, one hundred thousand dollars.

At Portland harbor, one hundred and three thousand dollars.

At Portsmouth, New Hampshire, one hundred and fifty thousand dollars.

At Salem, Massachusetts, one hundred thousand dollars.

At Provincetown, Cape Cod, fifty thousand dollars.

At New Bedford, Massachusetts, one hundred thousand dollars.

At Rose Island, Narragansett bay, fifty thousand dollars.

At New London, Connecticut, one hundred thousand dollars.

For Fort Tompkins and dependencies, Staten Island, New York, two hundred thousand dollars.

For fort at the debouche of the Chesapeake and Delaware canal, one hundred thousand dollars.

For fortifications to cover the artificial harbor at Cape Henlopen, one hundred and fifty thousand dollars.

For a fort on Sollar's Point flats, one hundred and fifty thousand dollars.

For a fort on Point Patience, Patuxent river, one hundred thousand dollars.

For a fort on Cedar Point, Potomac river, one hundred thousand dollars.

For a redoubt on Federal Point, twelve thousand dollars.

For fortifications at the mouth of St. Mary's river, fifty thousand dollars.

For a fort at Barrancas, fifty thousand dollars.

For Fort St. Philip, seventy-seven thousand eight hundred dollars.

For steam batteries, six hundred and sixty thousand dollars.

Section 2d proposes that, wherever the same be necessary, the President of the United States be, and he is hereby, authorized to purchase the sites for the aforesaid works, to be paid for out of the appropriations made by this act for them, respectively; and he is authorized, under the restrictions of the act of May, eighteen hundred and twenty, to make transfers from one head of appropriations for fortifications to that of another, for the like object, whenever, in his opinion, the public interest requires it.]

Mr. BENTON rose and said that, when the bill was reported from the committee some weeks ago, the French question wore a lowering aspect, and a majority of the Senate seemed ready to vote the large appropriations which the crisis required. Since then, the fear of danger from that quarter had vanished, and he must now appeal to the enlightened forecast of the Senate for the same vote which a patriotic impulsion would then have given. I took occasion, said Mr. B., then to say that my own support of the bill, and of the whole line of policy which it indicated, had no dependance upon the French question; that I was in favor of providing for the general defence, without regard to extrinsic circumstances; and that, so far as my own course was concerned, I should go on to clothe the country with the mantle of defence, and to put her in a condition to meet the contingency of war, although I might hold in my hand the bond of fate for peace.

The President of the United States has sent us two messages on this subject: one while the French question wore a threatening aspect, recommending us to provide for the public defence; the other, since the happy termination of that question, announcing its auspicious conclusion, but still adhering to the recommendation in the first one, and re-enforcing his own sentiments with the voice of Washington. This recommendation, thus supported, must coincide with the enlightened sense and patriotic feeling of the Senate. We must all feel the necessity of providing for the national defence now, in this most favorable conjuncture, when the possession of ample means and the enjoyment of full leisure gives us full opportunity of doing so with the greatest economy and the greatest effect. The disappearance of danger will not affect our wise and systematic policy. We are not an assembly of frivolous Athenians, to inquire for the news before we vote, and then to give our votes, not according to the exigencies of the public service, but according to the reported state of Philip's health.

In taking up this bill, continued Mr. B., which proposes appropriations for the commencement of a large number of new works, I think it proper in itself, and pertinent to the occasion, to make some general exposition of the state of our fortifications; to show the number of forts constructed, the number in progress, the number proposed to complete the whole system, with the cost of the whole, and the number of men it will require to garrison them in peace and in war. This exposition I will endeavor to make with brevity, if not with perspicuity.

First, as to the number of forts. Of those finished, we have thirteen; of those under construction, fourteen; proposed in the present bill, nineteen; and remaining to be proposed hereafter, sixty-one; making in the whole one hundred and seven.

Next, as to the cost. For all built, or building, under the present system, we have expended $12,379,672; for all expected to be built, leaving out a few for which data has not yet been collected to estimate the cost, and for finishing those now under construction, the sum of twenty-eight millions of dollars is estimated to be necessary; making in the whole about forty millions of dollars. But to have a view of the whole cost of fortifications since the adoption of the federal constitution, we must add the sum of $7,607,000 for expenditures on this object before the end of the late war; but which sum, for reasons hereafter to be shown, becomes almost a dead loss, few of the forts then built being of any service now.

Thirdly, as to the garrisons. The lowest number of troops, in time of peace, for all the forts now finished, all now under construction, and all proposed in the present bill, being forty-six in number, is one thousand eight hundred and twenty men. The lowest number for all the remainder, leaving out a few, the plans of which are not yet formed, is one thousand five hundred and thirty-eight, making a totality of three thousand three hundred and fifty-eight men; but this is to be understood as the lowest number necessary to keep the forts in order. To form proper garrisons in ordinary, as they are called, and with a view to keep up the discipline, police, and military spirit of the troops, the division of companies should be avoided, and the number of men in garrison should be almost double the number above stated; say seven thousand men for the one hundred and seven forts. In war, the garrisons for the whole number of forts would require to be about sixty-two thousand men, of which the main part would consist of the volunteers and militia of the adjacent country.

Mr. B. presumed it might be agreeable to the Senate to understand the distribution of all these forts, among the different States and Territories, and of the money expended or to be expended upon them. To give them this information, he had caused two tables to be drawn up, which he would read, premising that the information which they contained was intended for the satisfaction of the Senate, and not to influence votes, as the distribution of the forts, and the consequent expenditure of money in their construction, was governed by the wants of the country, its accessible and vulnerable points, and not upon any rule founded upon population or territory. Mr. B. then read two detailed tables, the totals of which are as follows:

States.	No. of forts.	Total cost.
Maine,	7	$1,365,000
New Hampshire,	1	500,000
Massachusetts,	16	2,769,000
Rhode Island,	6	2,469,000
Connecticut,	5	460,000
New York,	10	6,407,000
Pennsylvania and Delaware,	4	*1,007,136
Maryland,	10	†3,008,687
Virginia,	3	3,869,025
North Carolina,	3	952,869
South Carolina,	9	1,424,420
Georgia,	10	1,832,367
Louisiana,	7	1,756,858
Alabama,	3	1,630,000
Florida Territory,	12	5,014,000

This table does not include fourteen smaller forts, the cost of which is not estimated.

Mr. B. wished to repeat, and to be distinctly understood, as exhibiting these tables for the information and

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* Estimates for Forts Mifflin and Delaware not complete, and not included.

† Estimate for Fort McHenry not complete, and not included.

satisfaction of the Senate, not for the purpose of showing that more or less was expended in one quarter than in another. It was a subject on which equality of expenditure would be absurd; besides, it was a subject on which tables could not speak explicitly; for, often, the fort counted in one State belonged just as much, for all the purposes of protection and expenditure, to another State in which it was not counted. This was the case with all forts situated upon bays or rivers which divide States, and was strongly exemplified in Connecticut and New York, in Pennsylvania and Delaware, and in Maryland and Virginia.

After the general view of the whole number of forts, Mr. B. presented a general view of the particular bill before the Senate. It was a bill to provide for the collection of materials, the purchase of sites, and the commencement of construction of new forts. The number proposed was nineteen; their ultimate cost was estimated at $5,170,448; and the amount to begin with in the present bill was $1,783,800. Besides these nineteen forts, the bill proposed $660,000 for steam batteries, to be stationed in aid of the forts, in the different ports and harbors of the United States. This was the general view of the bill; the particular view of it in showing the distribution of the forts, their separate ultimate cost, and present appropriation for each one, he would also show; and for that purpose read the following table:

	No. of forts.	Ultimate cost.	Present appropriation.
Maine, - -	3	$504,000	$304,000
New Hampshire, -	1	300,000	150,000
Massachusetts, -	4	1,098,412	300,000
Connecticut, - -	1	132,231	100,000
New York, - -	1	435,989	200,000
Delaware and Penn., -	2	900,000	250,000
Maryland, - -	3	1,010,206	350,000
North Carolina, -	1	12,000	12,000
Georgia, - -	1	300,000	50,000
Florida, - -	1	100,000	50,000
Louisiana, - -	1	77,800	77,800
	19	$5,177,448	$1,783,800

Mr. B. said it might be objected by some, whose position might not enable them to view the whole ground, that the bill was unequal in its operation, and that fifteen out of nineteen of the forts which he proposed would be north of the Potomac. This disproportion might strike the minds of some persons, and therefore he would account for it at once, and show that it arose, first, from the nature of the respective coasts of the Northern and Southern sections of the Union. North of the mouth of the Chesapeake bay the coast was indented by deep bays, and opened by the wide estuaries of large rivers. One of these bays alone (the Chesapeake) gave a double line of coast of a thousand miles in circuit requiring defence. Further north, and especially in New England, the coast was cut in by a continued succession of deep inlets. It was a serrated coast—it was a saw-edged coast—in which the incessant openings presented a continued succession of accessible and vulnerable points. Not so to the south of the Chesapeake. There the bays and indentations were scarce, the estuaries of the rivers comparatively shallow, the coast itself shoal, the accessible points few in number, far between, and the bars in the mouths of the harbors a total obstruction to the entrance of large vessels. He believed that Charleston, South Carolina, presented the deepest waters to be found on the Southern Atlantic coast; and there vessels of war above the size of the largest sloops did not enter. Pensacola presented the deepest water on the gulf coast; and there, until the bar shall be cut, the entrance is only practicable to frigates of the second class. Thus, from the nature of the two coasts, the largest proportion of the defences must go to the North. That of itself might be sufficient reason for the disproportion in the bill; but there was another reason for it, and that was that of the forts built or building much the largest proportion was to the South. Thus, of the thirteen forts built, five were in Louisiana, one in Alabama, one in Florida, one in South Carolina, and one in North Carolina.

Mr. B. would repeat that he entered into this comparison, not that any effect on the votes of the Senate could be produced by it, but to satisfy those who did not occupy positions to take a view of the whole field, and to show them that the disproportion in question was not founded on partiality, but in reason; that it resulted from the obligation of duty to give defence where defence was needed, and that this depended upon the nature of the coast, and not upon any rule resulting from territorial extent or weight of population. With this general exposition of the bill, Mr. B. would now lay it down, reserving details upon each particular fort for the inquiries which Senators might put to him, or for answers to the motions which might be made to amend or to strike out. Postponing these details for the present, and believing that we had reached a point in the state of our public affairs, when the great policy of national defence is to be established or abandoned, Mr. B. believed it to be both pertinent to the occasion and profitable in its effect to pause for a moment, to look back upon the past, before we proceeded with the present or the future, and to take a rapid historical view, from the foundation of the federal Government, of that branch of the national defence now under consideration.

The business of fortifying our coasts dates from the very commencement of this federal Government, and results from the constitutional obligation of the Government to provide for the "common defence," and from the surrender of their custom-house revenues by the States to the general Government, for several important national objects, of which one of the most important, the most prominent, and most essentially national, was that of providing for the common defence. For the accomplishment of these objects, the constitution invested the President with a right, or rather imposed upon him the duty, of recommending to Congress the adoption of the measures which he deemed necessary: to Congress itself it confided the task of acting on all the measures, either of its own suggestion or of the President's recommendation, and of doing what was right and necessary to be done. Such were the duties of the executive and of the legislative departments under the new Government; and in execution of them I now limit myself to the point under consideration—in execution of them, we see the Father of his Country immediately coming forward, and pressing upon Congress the great duty of national defence, in a series of recommendations repeated from year to year until his paternal advice produced its effect.

The first of these recommendations was in the annual message of 1790, and this is an extract from it:

"Among the most interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace."

The next was in the message of 1791, and was in these words:

"In connexion with this, (arming the militia,) the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves for consideration. The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangement, exposed as little as possible to the hazards of fortuitous circumstances."

In the message of 1793, President Washington again adverts to this primary duty of Congress, and presses the necessity of "complete defence," in a renewed recommendation, couched in the most impressive terms, and enforced with earnest appeals to the lofty considerations connected with the duty of Congress, the interest of the Union, and the honor, dignity, and independence of the country. The following is the passage in his message:

"I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations, which will be withheld, if not entirely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, it must be known that we are at all times ready for war."

This, said Mr. B., is the recommendation of President Washington, adopted by President Jackson in his interesting message of Monday, the 22d instant; that message which presents the three great liberal Powers, Great Britain, France, and our America, under the harmonious aspect which they should for ever wear; and in which the sacred duty of providing for the national defence is again pressed upon us under circumstances, at a time, and so re-enforced, that it cannot fail to make a deep impression upon the country as well as upon the Senate.

We will now turn, said Mr. B., to the legislative department of the Government, and see what effect these repeated recommendations of President Washington produced upon Congress. The last message was communicated in December, 1793; on the 28th of February following, Mr. Fitzsimmons, from the Military Committee of the House of Representatives, reported in favor of putting the whole maritime coast, from Maine to Georgia, in a state of defence, with a statement from the Secretary at War, General Knox, of the number and kind of works the different ports and harbors would require, and an estimate of the expense of construction, and of the garrisons necessary in peace and in war. The number of works recommended exceeded a hundred; but, for want of means, they were small in size, and to be constructed of perishable materials in the parts which required solid masonry, wood being substituted for stone. The largest number of cannon to be mounted for the defence of any city, was eighty-two at New York, and seventy-two at Charleston, South Carolina. Such were the recommendations, and an act of Congress in conformity with them was promptly passed. Mr. B. would read that act; for, with the single exception of the ports and harbors acquired by extension of territorial limits, or of points covered by extension of population, it embraces nearly every port and harbor which at this time demands our protection.

THE ACT.

"That the following ports and harbors be fortified under the direction of the President of the United States, and at such time or times as he shall judge necessary, to wit: Portland, in the District of Maine; Portsmouth, in the State of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the State of Massachusetts; Newport, in the State of Rhode Island; New London, in the State of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the State of Maryland; (Annapolis, by supplementary act;) Norfolk and Alexandria, in the State of Virginia; Cape Fear river, and Ocracoke Inlet, in the State of North Carolina; Charleston and Georgetown, in the State of South Carolina; and Savannah and St. Mary's, in the State of Georgia."

Such was the act—such the first act for fortifying the ports and harbors of the United States. It is not only general in its provisions, and co-extensive with the whole maritime frontier, but vested President Washington with discretionary powers over the whole subject. The execution of this act was the next point to which Mr. B. would call the attention of the Senate. It is already seen that it conferred plenary and discretionary powers on President Washington over the whole subject, and particularly over the time when the works should be commenced. With that great man, the present time was usually the proper time for doing what had to be done; and such was his conduct in the great trust now confided to him. The act putting into his hands the power of fortifying his country passed on the 20th day of March. On the 28th day of that same month the first instructions issued from the War Office to the engineers to repair to their respective stations and commence operations; and by the 11th of April the last of these instructions had issued. In other words, the first instructions issued within eight days after the passage of the act, and the whole within twenty-two days! Seven engineers were employed, all French officers; the whole coast from Maine to Georgia was parcelled among them; and the whole line of coast was under operation at once, and within a few weeks after the passing of the act. The engineers employed were Rochefontaine, Vincent, L'Enfant, Rivardi, Vermonnet, Martinon, and Perrault; and the instructions to them, as well as their reports to the Government, will still reward the research and curiosity of any citizen who will take the trouble to hunt them out and to read them. They may still be read with profit by the military man; and the friend of State rights may dwell upon them with pride and exultation for the respect and deference which they evince for State authorities. Mr. B. would read an extract from the instructions, and another from some of the reports, as a specimen of the whole, and was certain that the Senate would hear them with pleasure, as showing the state of the intercourse between the federal and the State Governments in that early age of the republic.

Mr. B. then read from the instructions to Rochefontaine, charged with fortifying the coast from Portland, in Maine, to New London, in Connecticut.

"In pursuance of the directions of the President of the United States, you are hereby appointed an engineer for the purpose of fortifying the ports and harbors hereinafter mentioned, to wit: New London, in the State of Connecticut; Newport, in the State of Rhode Island; Boston, Marblehead, Salem, Gloucester, and Portland, in the State of Massachusetts; and Portsmouth, in the State of New Hampshire.

"You are therefore immediately to repair to the ports to be fortified in the said States, respectively, and in case the Governors should be near any of the said ports, you are to wait upon them and exhibit these instructions. But if the Governors should be at any considerable distance from your route, you are respectfully to notify them of your appointment, enclose them a copy of these instructions, and inform them that you have repaired to the ports aforesaid, in order to make the necessary surveys and investigations relative to your mission, which you will submit to their consideration, and take their orders thereon.

"As soon as you shall receive their approbation of your plans, you are to construct the works, and to execute them with all possible vigor and despatch."

Having read this extract from the instructions, Mr. B. would next read an extract from the first report of the same engineer, and show the manner in which he executed them. He writes from Boston, and says:

"On the 25th of May, his honor the Lieutenant Governor, elected since that time Governor of the State of Massachusetts, declared to the engineer that he did not find himself empowered to approve of the execution of the law of the United States respecting the fortification of the seaport towns in the State, without the advice of the Legislature, meeting a few days afterwards. His excellency, however, gave orders to the officers of the Executive of the State, to the State garrison of the Castle Island, and to the gentlemen the selectmen of every seaport town directed to be fortified, to assist, every one in his capacity, the engineer in his reconnoitering and surveys. On the 1st of June, his excellency was furnished with a general plan of defence for the harbor of Boston. On the 4th of June, a committee of the Legislature, appointed for the purpose, called on the engineer to be present at one of their conferences respecting the fortification of the harbor, and that of Castle Island particularly. On the 8th, the said committee visited Castle Island, with the engineer, that being the only port in the State that the Legislature could have any thing to do with as to fortifying. On the 11th, his excellency permitted the engineer to visit the seaport towns of Salem, Marblehead, and Cape Ann, until the Legislature should come to a determination on the questions proposed in the address of the Governor respecting the fortification of the harbors of the State. On the 20th, his excellency authorized the engineer to proceed to the State of New Hampshire, the Legislature of the State of Massachusetts having not yet come to any vote on the subject of fortifications. On the 29th of July, the engineer waited on his excellency the Governor of Massachusetts, at Boston; the Legislature not having decided any thing respecting the fortifications of the State, his excellency could not give any approbation to the erecting of any throughout the State, even at Portland, where the selectmen and town meeting had irregularly acted in purchasing land for the United States, without being authorized to do it by the Legislature. On the 16th of August, the Secretary of War authorized the engineer to erect fortifications, according to the law of the United States, at Salem, Marblehead, and Cape Ann. The inhabitants of Salem, in a legal town meeting, unanimously voted a cession to the United States of the ground which should be thought necessary for the defence of their harbor: immediately thereupon the works were begun."

Mr. B. had read these extracts for the purpose of showing the respect and deference which was shown by the federal Government, in that early age of the republic, to the State authorities, when even a duty of constitutional obligation would not be exercised within a State without first endeavoring to obtain the approbation of its authorities, both for the thing to be done and the manner of doing it. He had read them also for the purpose of showing the zeal of President Washington in carrying into effect the act of Congress, exemplified in the order to all the engineers "to execute their work with all possible vigor and despatch." This, said Mr. B., was in the year 1794, when the federal Government was almost without revenues; when it was encumbered with debts of which it could with difficulty discharge the annual interest; and when the means of the Treasury were so low that the engineers were directed to apply to the State authorities for voluntary contributions to eke out the scanty appropriations of Congress! an appeal which was no where met with such generosity of feeling as at Charleston, South Carolina, where the contributions were characterized by the wonted liberality of that State; eight thousand days' work of labor, between £700 and £800 in money, 4,000 feet of ranging timber, given gratuitously; and all the mechanical work done gratis by the mechanics of the city.

Mr. B. would remark, in closing his brief notice of the reports of the engineers of 1794, that they selected, in almost every instance, when not cramped by the smallness of appropriations, the same points for defending the ports and harbors which have been subsequently indicated by other engineers, and that, at most of the harbors, they recommended floating batteries and galleys to be combined with the fortification defence; a species of floating defence which the late engineers adopt in the idea and supersede in the form, by recommending the adoption of the great improvement of the age, steam power.

At the meeting of Congress in November, 1794, President Washington caused to be communicated to that body the steps which he had taken, and the progress which had been made, in carrying into effect the act of the 20th of March preceding, with an urgent recommendation to increase the fortifications and make them commensurate with the exigencies of the country. The Military Committee of the House of Representatives responded to this appeal, and, as early as the 4th day of December ensuing, made a report by Mr. Fitzsimmons, their chairman, fully sustaining and carrying out the President's policy. Mr. B. would read it, and would propose it as a model now to be followed, both for the brevity of its style and the efficiency of its recommendations.

THE REPORT.

"Mr. Fitzsimmons, from the committee to whom was referred that part of the message of the President which respects the fortifying the ports and harbors of the United States, made the following report:

"That, by the report of the Secretary of War, it appears that, in pursuance of the act of the last session, the fortification of the different ports and harbors are in considerable forwardness, excepting only the port of Boston, and Wilmington in the State of Delaware, suspended for reasons assigned by the Secretary in his report.

"That contracts have been entered into for the ordnance necessary, and measures taken for progressing in the fortifications as soon as the season will permit.

"That from the necessity of enlarging the plan of defence in some instances, and the enhanced price of labor and materials since the first estimate was made, a sum not less than $225,500 will be necessary to complete the plan of defence contemplated, admitting the fortifications to be constructed of timber and earth; and if executed with stone, to a much larger sum.

"The committee, taking into view the circumstances connected with this subject, and having received the necessary information from the Secretary of War, submit the following resolutions:

"*Resolved*, That the necessary works for fortifying the ports and harbors of the United States ought to be continued, and constructed of the most durable materials, so as best to answer the purposes of defence and permanency.

"*Resolved*, That a sum not exceeding $500,000 (over and above the sums already appropriated) be appropriated for the purpose aforesaid; and that a sum not exceeding $100,000 per annum be provided for the service aforesaid.

"*Resolved*, That the President of the United States be authorized to give preference, in point of time, to the completion of such of said fortifications as he may think advisable."

Mr. B. would here drop details, and economize his remarks. He had arrived at a point at which he would stop, and take a position. It was the commencement of the second term of Washington's presidency, and the successful establishment of his great policy recommended in the messages of 1790, '91, '93, and '95, for clothing his country with the armor of defence, fortifying all her ports and harbors, and putting her in a condition to maintain among nations the rank to which she was entitled. This policy was now completely established; and the historical view which he had attempted to sketch, no longer encumbered with documentary evidences and minute details, would proceed with ease and rapidity. The system of fortifying, thus established under Washington's administration, went on with an accelerated pace under that of his successor, the first Mr. Adams, stimulated as it was by impending difficulties with France. But a frost, a killing frost, fell upon that policy on the accession of Mr. Jefferson. The difficulties with France had vanished, and, besides, he was not favorable to the policy in itself; and his first message was sufficiently indicative of his views to decide the fate of the fortifications. To do justice to him, an extract from that message will be read.

"The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected of the expenses already incurred, and estimates of their future cost, as far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject."

Under this message (resumed Mr. B.) the fortifications languished and declined. Appropriations became less and less; the old works decayed; garrisons were reduced, and new ones were not begun; but difficulties with England arose; some outrages were committed within our waters, and the States possessing seaport towns began to remonstrate, and to demand defences for their ports and harbors. The legislative resolves of the State of New York, as coming from a State friendly to the administration, as containing an argument within themselves, as being a sample of what came from other States, and as being strictly pertinent to the present debate, Mr. B. would read:

"New York Legislature, *March* 20, 1807.

"*Resolved*, as the sense of this Legislature, That every consideration of policy and duty requires that adequate measures should be adopted by the national Government for the protection of the port of New York.

"That the agricultural as well as commercial interests of the State are deeply interested in this most desirable object.

"That in surrendering to the United States the revenue arising from imposts, this State anticipated, and has now a right to expect, that a competent portion of that revenue would be appropriated for its defence, and that the Congress of the United States are bound by their constitutional duties, as guardians of the common defence and general welfare, to satisfy this proper and reasonable expectation.

"*Resolved*, That an application be made to the President of the United States, in behalf of this State, to fix upon a plan of durable and permanent defence for the port of New York, fully adequate to the importance of the object, and that he be also respectfully requested to appropriate, out of the moneys placed at his disposal, as large a sum as can be usefully expended for that purpose, until Congress shall have it in their power to make further provision in the premises.

"*Resolved*, That the Legislature of this State fully approve of the conduct of our Senators and Representatives in Congress, in advocating and enforcing the claims of this State in this respect, and that they be requested to support and enforce such further measures as may be necessary for the permanent defence of this State, and to obtain, either by annual appropriation or by general provision, a sum competent to that important object."

Under this appeal from New York, continued Mr. B., backed by others from other States, and stimulated by the increasing aggressions, contempt of the proclamation of inhibition, and multiplied violations of jurisdiction within our waters, by British ships of war, the administration of Mr. Jefferson found it necessary to do something, and the experiment of gun-boats was resorted to. The gun-boats were tried. They had their day, and a brief day it was, for the end of Mr. Jefferson's administration saw the end of their glory. Mr. Madison came into office in March, 1809—convoked Congress for May of the same year—informed them that the gun-boats were put into a situation to require no further expense, and that large appropriations for fortifications demanded their early consideration. This was the farewell to gun-boats, and the revival of the great system of defence planned and established by Washington. The Congress of 1809 concurred with Mr. Madison, and at that very session the largest appropriation was made for fortifications which has ever been made in any year, from the foundation of the federal Government to this day. It was $1,419,000, being a quarter of a million more than was appropriated in the first year of the war, and within $300,000 of the sum contained in this bill; the amount of which seems to astonish some gentlemen so much. The Secretary at War, Dr. Eustis, made a report upon fortifications, in which may be found nearly every port and harbor now proposed to be fortified, from Passamaquoddy bay to the mouth of the Mississippi; and the appropriations continued to be large and annual, no less than $3,405,000 in the first four years of Mr. Madison's administration, which were years of peace, but menaced with war. The next four years, which covered the war, saw a further sum of $2,200,000 appropriated to this object. At the return of peace every body took warning from the past, and all the departments of Government entered cordially upon the business of repairing past errors by providing for the future, and covering the coast with permanent and durable works. Mr. Crawford, who was in Paris, sent us an engineer from the school of the great Napoleon; Congress took him into service; a board was formed to plan and direct the works, and appropriations of eight or nine hundred thousand dollars were annually made to carry them on. The messages of President Monroe, and the reports of the Secretary at War at that period, in favor of the system, are too well known to be repeated here. The result of this spirit was the formation of the board alluded to; Bernard, Totten, of the army, and Elliot of the navy; and their laborious examinations and various reports, especially of 1821, revised in 1826, by which the one hundred and seven forts, besides field works and floating batteries, were resolved upon for the defence of the maritime and gulf frontier. The system of Washington, thus revived at the end of the war, has been pursued ever since, with some relaxation in 1820, '21, and '22, when the treasury, from a surplus of sixteen millions, run out in about four years, had to overdraw in the Bank of the United States; and the Government, to avoid the disgrace of a public loan for current expenses, had to reduce the annual appropriation for the increase of the navy from one million of dollars to half a million, disbanded four thousand men out of its little army, diminished the fortification appropriations one half, and enforced a rigid economy and minute curtailment at all points. With the return of a prosperous treasury, the usual appropriations for fortifications were resumed, and the sum of two millions seven hundred and forty thousand dollars under the second Mr. Adams's administration, and of about five millions under President Jackson's, have been applied to that object, with the great consolation that all that has been applied since the war, amounting to twelve and a half millions of dollars, is saved, the works being constructed of durable and permanent materials, while the seven and a half millions previously laid out may be considered as lost, the works being done in perishable materials, for want of means in the time of Washington and Adams, and for want of time, and under the pressure of danger, in the time of Mr. Madison.

Here, Mr. B. said, there was room for precious and valuable retrospection. Seven and a half millions of dollars, applied to fortifications, had been lost, partly by pernicious economy in using perishable material, but more by improvident neglect of time and means when we possessed both, and consequent waste and hurry when danger was pressing. There was a time, anterior to the late war, when the United States possessed both the means and the leisure to have entered upon a system of permanent fortifications; it was in the second term of Mr. Jefferson's administration; and if the surpluses of revenue had been then so applied, the large appropriations afterwards made during Mr. Madison's administration would have been saved from a hurried and wasteful expenditure on temporary works, and many of the disasters and disgraces of the late war would have been prevented. Unhappily, Mr. Jefferson, even in his last message, in 1808, could not bring himself to Washington's policy; and while taxing the inventive genius of Congress to find out constitutional modes of expending the accumulating surpluses, and in default of finding such objects recommending alterations in the constitution to enable them to be turned to roads and canals, totally overlooked the fortifications! without which it is now certain that an extended seaboard, with its rich and populous cities, must lie at the mercy not merely of the bombs and crews of an enemy's fleet in time of war, but even of the daring enterprise of pirates and bucaniers! A similar period has come round again; we have surplus revenue, and we have peace. We can now lay it out in our defences, with the skill and care which durability and true economy require; and if it is not so laid out, there is one department of the Government at least which will not be to blame—the executive department—whose multiplied messages to this effect, and especially the one on the anniversary of the birthday of Washington, and re-enforced by the sentiments of the Father of his Country, cannot be lost either upon the Senate or the country.

Having finished his historical view, and deduced the history of our fortifications from 1794 to the present day, Mr. B. came to the great question which must now engage the attention of the Senate and of the country: Shall the system of fortification go on, or shall it halt? Shall the surplus revenues be applied to fortifications and other defences, or shall they be divided among the States? These are the questions—or rather this is the question, for the two make but one, and are convertible in their essence, though distinct in their terms—this is the question, and the time has arrived for deciding it. If the money be divided among the States, then the great public defences, of which fortifications are only one branch, must halt where they are, beginning no new works, and merely completing old ones; or they must creep, and crawl, and languish, under inadequate appropriations, for some ten or twenty years, until some new danger rouses the country from its supineness to repeat the folly of hasty works and perishable materials. This must be the result; for the surplus cannot go to both objects, and will be insufficient for the objects of defence alone. A systematic exaggeration seems now to prevail in filling the treasury with inexhaustible surpluses, as a systematic exaggeration prevailed two years ago in demonstrating its emptiness. Then, we were to be bankrupt at this day! Now, we are to have such masses of surpluses that no extravagance, nor even profligacy of expenditure, can get rid of them! And, what is curious, these opposite exaggerations are maintained by the same persons, to the same auditors, and for the same objects. The opposition are the exaggerators, the people are the listeners, and the overthrow of the administration is the object. Two years ago the overthrow was to be effected by terrifying the people with the apparition of a bankrupt Government; now it is to be accomplished by the seductive dividends of an inexhaustible treasury! In both instances the exaggerations are the same—unfounded in 1834—unfounded in 1836. The treasury is in no more danger of bursting from distension now, than it was of collapsing from depletion then. It is true we have a large surplus at present, but no larger than it was in 1817, and resulting from the same cause, and to be followed by the same catastrophe. Bank expansions filled all coffers, public and private, at that time; bank contractions, in three years afterwards, emptied all! and none more completely than the treasury of the United States! That treasury which was held to be inexhaustible in 1817! which in the second quarter of that year held in deposite in the bank of the United States 15,935,050 dollars and 36 cents! and which ran out so rapidly that, at the end of 1820, its vast deposite was reduced to $388,210 94; and in the first quarter of 1821 it was all gone, a deficit incurred, and an overdraw of $1,044,539 91 actually made upon the funds of the bank; and this after the great reductions made in the public expenditure. The Bank of the United States itself was on the eve of stopping; half of the local banks stopped payment; individual bankruptcies, sacrifice of property, and enrichment of money dealers, was the universal scene. The same catastrophe is now in full prospect, and blind is he who does not see it! Bank expansions have pushed every thing above its level; in a little while every thing will be as much below its just level as they are now above it. The large surplus now in our treasury will vanish, like that in Mr. Jefferson's time, and that of 1817. Let us then apply it to useful and constitutional objects while we have it. The question is imperative, shall we apply it to the public defence, or divide it out in parcels among the States and the people? It cannot go to both purposes, and we must decide, and decide on this very bill, to which purpose the money shall go. This is a bill for new fortifications; it commences new works, 19 in number, requiring an expenditure of a million and three quarters this year, and a total expenditure of about $5,000,000. If the bill passes, it is a pledge for the completion of the whole system, and the speedy commencement of the remaining works; if it be rejected, or curtailed, it is a halt in the system, and may terminate in its present abandonment and long postponement, until some new danger rouses us again from our supine improvidence. Besides these general considerations, Mr. B. had recourse to others of more limited and particular application, showing the injustice of halting now in the system of defence, and rejecting or postponing the works in the bill. He deemed such a course utterly unjust to the States which, as yet, had had nothing done for them. Of the 14 forts finished, Louisiana and Alabama have 7; Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Pennsylvania, not one. Of the forts under construction, Virginia, the two Carolinas, Georgia, and Florida, have 8, on which about $3,824,000 have been expended, and a further expenditure of $1,700,000 is to take place; while Maine, New Hampshire, Connecticut, Pennsylvania, have nothing under construction, and will have nothing for a long time, unless the bill becomes a law. It is the peculiar province of this bill to provide for the States whose claims have been postponed. It provides chiefly for those States which have had least, or nothing; three for Maine, one for New Hampshire, three for Massachusetts, one for Rhode Island, one for Connecticut, one for New York, two for Pennsylvania and Delaware, and three for Maryland. Shall these States be disappointed? Shall their commercial capitals remain exposed? Shall Boston, New York, Philadelphia, and Baltimore, remain without defence, while New Orleans has been completely covered and protected? Shall that of New York still remain without defence, which so strongly demanded it as a right in 1807? in 1807, near thirty years ago, and before New Orleans was acquired?

Mr. B. said the view which he had taken of this subject would be incomplete, if he did not pursue it still further, and look into some of the objections urged against fortifications, and some of the advantages resulting from them.

First, as to the objections.

It was objected to fortifications that they were expensive, costing a great deal to erect them, and a great deal afterwards to garrison and maintain them. This, he said, was an error of such perverse character that the reverse of it was true. The cheapness of this species of defence was one of its absolute recommendations, and he should reserve the head for enumeration under the advantages of forts. When he came to speak of those advantages, he would show that fortifications, instead of being the dearest, were the cheapest of defences, not only in money, but in the more important consideration of men and lives; as it was a mode of defence which abstracted fewer men from the other pursuits of life to accomplish the same object, and was attended with less loss of life, either from the casualties of battle or the diseases of the camp.

Another objection was to the garrison which fortifications required, amounting, as it was supposed, to a standing army in time of peace. This objection, (Mr. B. said,) if true, would be serious; but it was untrue and unfounded, and the answer which he should give to it, founded upon the reply of the chief of the Engineer department, General Gratiot, to the precise questions which he had put to him, would astonish gentlemen, in exposing to them the magnitude of their mistake. His answer would be twofold: first, positive, showing the number that would be required to garrison the forts, in peace and in war; secondly, comparative, showing that this number, the relative state of the country considered, would not be equal to the reduced military peace establishment prescribed by Mr. Jefferson in 1802: a rule of proportion, and a standard, to which he presumed no Senator, not even the most fastidious opponent to standing armies in time of peace, would object. As to the numbers, General Gratiot shows that 1,820 men will be sufficient, in time of peace, to take care of all the forts now built, all now building, and all now proposed in the bill before the Senate; and that 34,140 will be sufficient to garrison them in time of war. These numbers will be sufficient for 46 of the forts; the remaining 61 will require a less number; because the forts, though more numerous, will be much smaller, and will mount fewer guns; these 61 will then require, to keep them in order in time of peace, 1,538 men; and to garrison them in time of war, 22,092 men. Here will be a totality, when all the forts are finished, of about 3,500 men in time of peace, and of about 60,000 in time of war; the whole of which, except about 5,600 artillerists, may be the militia and volunteers of the adjacent country, called into service when a siege is apprehended, and discharged when it is over. Such were the numbers that would be sufficient both in peace and war; but for peace, the garrisons, if regulated with a military eye, with a view to discipline, police, and martial spirit, would be about double, say 7,000 in the whole, as these subjects would require that companies should not be divided. Taking, then, 3,500 men as sufficient to take care of the whole 107 forts, when completed, and that 7,000 men would constitute the proper garrisons in ordinary, Mr. B. would proceed to his comparative view, and show that the largest of these numbers would not require an addition to our present peace establishment, which would make it equal, the relative state of the country considered, to the peace establishment of Mr. Jefferson. To verify this comparative view, Mr. B. took, first, the number of the troops and of the population then and now; and, secondly, the extent of territory then and now. Under the first aspect, he showed that the peace establishment of 1802 was 3,080 men; that of the present period was 6,000; the population in 1802 was 5½ millions; at present, about 16 millions. Here was a difference of about three to one in the population, so that a peace establishment, upon the mere data of relative population, of 9,240 now, would be no greater, in 1836, than 3,080 was in 1802. But the comparison was not to be limited to this data; extent of territorial limit, and by consequence of frontier outline to be guarded, must be combined with it, and this of itself would double the numbers of 1802. The territorial limit on the map in 1802 was the parallel of thirty-one degrees to the south, and the Mississippi to the west: the actual frontier to be guarded at that time was through Georgia, North Carolina, Tennessee, Kentucky, and Ohio. The limits on the map now, are the gulf coast to the south, and the Pacific ocean to the west; the actual frontier to be guarded now, to the south approaches the tropic of cancer, at Key West; to the west lies along the Sabine, crosses the Red river, the Arkansas, and the Missouri, extends to the Falls of St. Anthony, and to the outlet of Lake Superior; with occasional expeditions to the confines of Mexico and to the foot of the Rocky Mountains. Thus both the territorial limits and the actual frontier are doubled since 1802; and, allowing for this increase, the peace establishment of 1836 might be raised to 12,320 men, without exceeding the ratio of that of 1802. Thus, if the whole number of 107 forts were now completed and full garrisons in ordinary were allowed them, there would still remain about 6,000 men for the Western or land frontier, and the whole would be within the limits of Mr. Jefferson's reduced peace establishment. But the whole of the forts are not now finished, and cannot, with all the men and means that can be employed upon them, be finished under ten years from this time. By that time our population will have increased five millions more, and would furnish another three thousand and eighty men to keep in the ratio of Mr. Jefferson's peace establishment: fifteen thousand might then be kept up on the basis of 1802; but that number will not be wanted; about twelve thousand will even then be enough; and for the present, ten thousand men, allowing six thousand for the Western and Northwestern frontier, and four thousand to the forts, will be sufficient; and this number, in the present state of the country, would be nearly three thousand under the ratio of 1802.

Upon this data, about which there could be no dispute, Mr. B. considered the objection of the standing army in time of peace, to garrison the forts, to be completely exploded, and would dismiss it without taking in another element naturally belonging to the comparison, to wit, the increase of revenue, which would render an establishment of ten thousand men now less burdensome than the three thousand and eighty were in the time of Mr. Jefferson. Mr. B. took for his basis the military establishment of 1802, presented by Mr. Jefferson, who came into power upon the full cry against standing armies in time of peace; and he presumed that no person would ever object to a military establishment which kept within the ratio of the one he presented.

He would, therefore, dismiss this head with informing the Senate that, since the United States had precipitated all the Indians upon the Western frontier, an increase of the regular force would be demanded by the voice of the West. Forts or no forts, ten thousand men were required in the present state of the country, of which six thousand should be on the Western and Northwestern frontier; and upon this number the Congress would be called to vote at the present session.

A third objection to the fortifications was as to the locality of the expenditure which they would involve. It was said the money would be expended on the coast, to the prejudice of the interior. Mr. B. demurred to this objection. It was anti-national and anti-social. It was against the letter of the constitution, and against the nature and the principles of the social compact. Protection and allegiance went together; every part of the country owed allegiance to the Government, and the Government owed protection to every part. Happy, most happy, those who needed no protection. After all that can be expended on the exposed coasts, the inhabitants of the coasts will still be less secure than those of the interior, on which nothing is expended for defence. The objection is not only anti-national and anti-social, but it is fallacious. It is a fallacy in itself, and must deceive those who rest their faith upon it. An expenditure upon the seacoast, for the defence of a seaport, a harbor, or the mouth of a river, is not a local expenditure. It is not an expenditure the benefit of which is confined to the town, to the harbor, or to the mouth of the river; but it is an expenditure national in its nature, constitutional in its obligation, redounding to the benefit of all, and beneficial to the farmer at the head of the river and in the gorge of the mountain as well as to the merchant on the seaboard; for unless the seaport is protected, and the mouth of the river is kept open, the crop raised at the head of the river, and the stock driven from the gorge of the mountain, will return valueless upon the hands of the owner. It was, therefore, an unfounded objection; and although the expenditure might be unequal, yet that inequality was neither unjust nor injurious. It afforded no argument for the distribution bills, in whose aid it was certainly invoked. Those bills were repudiated by most of the interior States, and by nearly all the new States; and as for the old ones, which had asked for the distribution of surpluses, they had also asked for forts and navies, and they could not have the same money for both objects. The true aid to the new States would be in reducing the price of public lands, as they have often requested; and all the interior States will have the benefit of the national defences, both in the use and in the expenditure for them, by the armories and arsenals established within them, the increased troops on the frontier, and the annual expenditure for supporting the whole. The forts, the navies, the troops, will be supplied and supported from the interior; the armories and arsenals will be in the interior.

A fourth objection which had caught Mr. B's attention was the supposed effect which the building of so many fortifications would have on the price of labor. It was supposed that it would create so large a demand for labor that the price would be greatly enhanced, to the prejudice of railroad, turnpike, and canal companies and makers. Mr. B. had two answers to this objection: first, that it was not valid, if true; secondly, that it was not true, if valid. To him it seemed no great harm that the fact should be as supposed, and that the railroad, turnpike, and canal companies should have to pay the laborer a few cents more per diem. It was written in the holy scriptures that the laborer was worthy of his hire; and, for his own part, he knew no one better entitled to all that he could get than the man who works with his two hands from sun to sun. Certain he was, the freight and the toll on the road and the canal would not be a penny the less because the laborer had been hired at a reduced price. But Mr. B. denied the fact. The fortifications were so remote from each other, they had to be built upon such an extended line, stretching from the Passamaquoddy bay to the delta of the Mississippi, that the building of one would have no effect upon the cost of building another, and the cost of the whole would have no influence upon the rate of labor in the country. Even if all the defence bills passed, and their appropriations of ten or eleven millions took effect, it would be but no more than what is annually spent for labor and materials in single cities, while this would be diffused over a line of four thousand miles.

A fifth objection was somewhat akin to the last, and imported that the amount proposed to be appropriated was too large to be usefully and beneficially expended within the year. The validity of this objection, Mr. B. said, depended upon the time when the appropriation bills should pass. If delayed till the spring was advanced, and the working season partly lost, the objection would acquire more weight. Time was already lost, especially in the South; and if these important bills were to be pushed aside to make room for abolition debates, and land bills for distributing the public moneys, so much more time might be lost as to make it impossible to use the money after it was voted. But still it was an objection of which the objectors could not take advantage; no man may take advantage of his own wrong; and if it is wrong to appropriate money that cannot be expended, it is certainly wrong to stave off the appropriation till the time for expending it is lost. And here Mr. B. would invoke attention to the debate just closed, on the loss of the fortification bill and of the three millions at the last session. All parties have just been washing their hands of the merits of those losses. And shall any of us, in the same instant, go on to frustrate the present appropriations, or to make them inoperative for want of time? Besides, the money appropriated for this year is not obliged to be expended within the year; it may be expended in the commencement of the next year, and thus enable the year's operations to commence, and especially in the South, before the appropriations can be got through Congress.

The sixth objection which Mr. B. would mention, and the one perhaps which was progenitor to all the rest, was the very palpable assumption that the application of so much money to the defence of the country would be fatal to the schemes of distributing the surplus revenues and the proceeds of the public lands among the States and the people. This objection, he acknowledged was well founded. The defence of the country and the distribution of the public money were antagonistical objects, and the success of either was fatal to the other. It would take more surpluses than ever would be found in the treasury to defend the country. The military arm alone would require above forty millions; the naval arm would require more than as much more. The two objects, then, being antagonistical, and incompatible with each other, must come before the Senate, and go before the country, upon the respective merits and demerits of each; the defensive scheme resting upon a duty of constitutional obligation, upon a consideration of national independence, upon the sense of national interest, and upon the sanctioned system of forty years' decision; the distributive scheme resting upon the seductions of proffered pelf, without warrant in the constitution, unknown to our history, oppressive to the new States, demoralizing to the old ones, corrupting in its tendencies, and bringing the element of the public property to enter into the canvass for the presidential office. Upon these intrinsic and overruling considerations, Mr. B. would rely for the decision of the Senate and of the country between the two objects. He would not descend from the high level of such elevated considerations to the low comparison of sordid and pecuniary inducements. He could not insult his countrymen by referring to them the seductions of a sordid money scheme on one hand, and the enlightened obligations of duty and patriotism on the other. If he could do so, and could present the two schemes in a mere trafficking, trading, profit and loss point of view, the one divested of its patriotic attractions, the other stripped of its moral deformities, it would be easy to show that there would be more money diffused among the people by defending their country than by pillaging it themselves, and leaving it to be pillaged by foreign enemies afterwards. For such is the extent and variety of the means and objects to be combined in a great and durable system of national defence, that every part of the Union would receive its share in the first disbursements and in the annual expenditures thereafter. Forts, navies, navy yards, and dock yards, on the coasts; armories, arsenals, foundries, depots of arms and munitions, in the interior; troops on the western frontier; and annual supplies from the interior for all the establishments on the vast circumference of the Union: such would be the sources of expenditure. The first outlay and the perennial expenditure for all these objects would be great; and if the system of defence required for the country be now adopted, many great objects heretofore planned must go into effect: a grand naval national arsenal at Burwell's bay, in Virginia,* as recommended by the military and naval board of 1821; a navy yard at Charleston, South Carolina, and another at Pensacola; with a fort and naval station at Key West, to command the Gulf of Mexico--to make that gulf what the Mediterranean sea was to the Romans, *mare nostrum*, our sea, belonging, as it ought, to the masters of the Mississippi, and considered and treated as the outlet and estuary of the King of Floods. In such great establishments, and the numerous others indicated by the hand of defence, the people would find moneyed reasons for preferring the defence of their country to its pillage. But I do not present such reasons; I resume my position; I defer to their intelligence and to their patriotism, and rest the choice between the defensive and the distributive schemes upon all the lofty and holy considerations which recommend one and condemn the other.

Finally, and by way of concluding his notice of the objections to fortifications, he would bring forward one which he had not heard mentioned by any speaker, but which he had found in the reports of one of the French engineers employed by President Washington in 1794. It was Monsieur Rivardi, and might be interesting as a reminiscence now, as the novelists call it, and to show what kind of objectors there were to fortifications forty years ago, although the race may be now extinct, and the reference may remain without application:

"I thought (said this ingenuous soldier) that, in a small community, where public welfare ought to be the chief aim of every individual, no jealousy, no parties, could be found. I do not think, however, that there exists any where else such ridiculous divisions as here. There is a large number of dissatisfied men who object altogether to fortifications, from the same principle for which they object to every measure of Government. Some would rather bush-fight, as they call it, in case of a war; and the fact is, I fancy they had rather not fight at all. I drop this disagreeable subject: the only thing is to be deaf, and do what the safety of the country requires."—*Letter of Rivardi to Gen. Knox, Secretary at War, July* 28, 1794.

Next, as to the advantages of fortifications.

On this head Mr. B. would be brief, referring the Senate for a full understanding of the subject to the masterly reports of the board of engineers for 1821 and 1826, and confining what he should say chiefly to statements and reflections resulting from those reports.

1. Fortifications close up all important inlets to ports and harbors against enemies; they give security, confidence, and tranquillity, in time of war, to the cities and coasts covered by them; the truth of which is exemplified in the opposite coasts of France and Great Britain, where the coast inhabitants and cities, covered by fortifications, are as tranquil in the pursuit of their business in time of war between these countries as in time of peace.

2. They give security and protection to the commercial and naval marine; as ships, either of war or of commerce, pursued by an enemy, fly to them for refuge, and lie in safety under the guns of a fort, or within a harbor defended by it. We have a vast commercial marine to which we owe protection; we have determined on the creation of a navy; and, for the preservation of both, we must have fortified harbors for their refuge and protection.

3. Forts are often necessary at points where there are are not cities to defend, as at positions which an enemy might occupy in time of war, and from which he could assail, annoy, devastate, or alarm, the neighboring

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* "The navy yards (excepting that of Charlestown, near Boston) have all been improperly placed; the conveniences for the erection of the necessary establishments having alone been taken into consideration, while all the other requisites for points so important, such as security against attack by sea and land, facility for receiving all kinds of building materials in time of war as well as in time of peace, vicinity to a place of rendezvous have been overlooked.

"A defensive system for the frontiers of the United States is therefore yet to be created. Its bases are, 1st, a navy; 2d, fortifications; 3d, regular troops and well-organized militia; 4th, interior communication by land and water. These means must all be combined so as to form a complete system.

"The navy must, in the first place, be provided with proper establishments for construction and repair, harbors of rendezvous, stations, and ports of refuge. It is only by taking into view the general character, as well as the details of the whole frontier, that we can fix on the most advantageous points for receiving these naval depots, harbors of rendezvous, stations, and ports of refuge.

"On these considerations, Burwell's bay, in James river, and Charlestown, near Boston, have been especially recommended by the commission as the most proper sites for the great naval arsenals of the South and of the North; Hampton roads and Boston roads as the chief rendezvous, and Narraganset bay as an indispensable accessary to Boston roads."—*Reports of* 1819, 1820, 1821, *by the Military and Naval Board, Gen. Bernard, Col. Totten, and Com. Elliott.*

country. Our extended coast presents many positions of this kind, and which we must occupy to prevent an enemy from establishing himself upon them.

4. Forts are necessary on the lines of interior navigation to keep open the communications in time of war. The *debouches* of canals, the passages through sounds, bays, and straits, and between islands and the main land, are examples of this necessity, and of which many instances may be found on the maritime and gulf frontier of the United States.

5. Forts are indispensable to the protection of navy yards, dock yards, and naval arsenals. The nature of these establishments require them to be accessible from sea; and, unless protected by forts, they may be invaded, plundered, and burnt, by an enemy. This happened once in England, when the Dutch penetrated the Thames, and destroyed the naval establishments at Chatham.

6. Forts are the cheapest mode of defence—cheapest in money, cheapest in the number of men to defend them, and cheapest in the number of lives lost. They are cheapest in money; because, when once built of the proper and durable material, earth and stone, they are built for ever, and in the course of centuries require but little for repair or reconstruction. They are cheapest in men; because a few can defend a fortified position against a great number, and thus abstract a smaller proportion of the population from peaceful pursuits. They are cheapest in blood spilt or in lives lost, either of men killed in battle or dying of diseases from camp and field exposure. Behind the defences of a fort, sheltered from the weather, amply provided with every essential to health, the troops in a fort suffer far less in proportion to their numbers than those in the field or the camp. In exemplification of these ideas, Mr. B. would refer to the calculations made by the board of engineers, to show the difference of expense in men and money in defending a given number of our cities for a given time, with and without the cover of fortifications. They took Boston, New Nork, Philadephia, Baltimore, and New Orleans, and based their calculation of a campaign of six months against a menaced attack from an enemy's squadron. Without forts, the number of men required for the protection of these cities, not knowing which was to be attacked, and bound to be provided at each city, the aggregate number would be seventy-seven thousand to meet a descent of a fourth or a fifth of that number at any one point; the expense of which for six months would be $19,000,000. To defend the same cities with forts would require an aggregate of no more than twenty-seven thousand men, and an expense of six and a half millions of dollars; making a difference of fifty thousand men and of twelve and a half millions of dollars. Thus, in a brief war of two or three years, the whole cost of the fortifications for the whole coast of the United States, on the largest scale projected, would be completely saved.

7. The efficiency of the defence is another of the advantages of fortifications on the seaboard. That efficiency on a land frontier has been a problem among military men, and opinions have divided upon it; but no such problem has ever existed in relation to the coast defences; on that point opinions have never divided; and throughout the world, in all ages, and in all countries, the defence of the coast, by fortifications, is the only safe reliance against approaches by sea; approaches which may be made without warning; which may threaten dozens of cities and thousands of miles of coast at the same time, which may stand off and on, hover round, distract and scatter the troops collected at any one point, wear out an army by marches and counter marches, and eventually strike where least expected or least prepared to resist.

8. But the great and crowning advantage of fortifications is their peculiar adaptation to defence by militia, by volunteers, and by the yeomanry of the country, and their consequent dispensation of large bodies of regular troops both in war and in peace. Forts are the peculiar defence of the militia. A few artillerists, and the militia of the adjacent country, are the proper defenders of forts. To these points, on the first signal of danger, the yeomanry of a free country will for ever flock. They will fly to the forts with alacrity and confidence, and will make brilliant and glorious defences. Placed in positions, and sheltered by works, even indifferent, the yeomanry of the United States have always performed prodigies of valor. Even in temporary field works, and the merest apologies for forts, they have rivalled and transcended the exploits of veterans. Our history is too full of examples of this character to admit of naming any without seeming to neglect others; and I must refer to a few, to the green log pen at Charleston, called Fort Moultrie; and the post and rail fences piled upon each other at Bunker's hill, in the war of the Revolution; and the mud wall at New Orleans, and the stakes stuck in the ground for a fort at Sandusky, during the late war; to remind the Senate of what a yeomanry and a few regulars can do, placed in positions and covered by defences.

Mr. B. concluded his speech with expatiating on the extent and variety of the defences required for the United States, and the wisdom, propriety, and necessity, of dedicating our present surplus money, and our present leisure time, to the creation of these defences. Ships, navy yards, dock yards, two great national naval arsenals of construction and repair; forts, armories, arsenals, depots of arms and munitions of war; arms and field artillery for the militia, swords and pistols for the cavalry of the States; and increase of the army for the western and northwestern, and, he might add, for the southern and southwestern frontier also; such was the vastness of the system, and the multitude of its objects, which the defence of the country required. The expense of all these works he had not calculated; but the Senate had adopted a resolution to ascertain that expense, and the answer would come in as soon as the Navy and War Departments could prepare it. Of the military branch alone he would venture to give an opinion, and would say the estimates for that branch alone must exceed $40,000,000. Of all the branches of this system of national defence, he had discussed but one, and not the whole of that; he had spoken of forts alone, but of the forts on the maritime and gulf frontier, without mentioning, though certainly not without remembering, that we had an extended line of lake frontier, washed by inland seas, and bordered by a foreign Power. He had spoken of fortifications alone; but it was not to be dissembled or denied that the whole system of defence, naval and military, was now upon trial. The bill for the nineteen new forts is the touchstone of the whole question. If that passes, then the whole system moves forward; if it is rejected, the whole system halts; for forts are the indispensable part of the whole system; they are its back bone, without which all the rest becomes vain and inefficient, and ships themselves are idle preparation. For what are ships without ports of refuge? What are harbors and breakwaters without defence? What are dock and navy yards without forts to cover them? Nothing but prizes, spoil, and prey, for the public enemies. But, Mr. B. repeated, the fate of this bill is the fate of the whole system of defence, and of the antagonist schemes for the distribution of the public money. If the bill becomes a law, the defences go on, and all the surpluses of revenue will go to that object; if the bill fails, the defences will halt and linger, and the distribution bills will spring upon the stage, and will labor to squander that money which a defenceless country calls for in vain.

I conclude (said Mr. B.) with remarking that the present period is to be an era in the history of our country. It is a period from which there must be a new movement forward, or a sad retrogression. It is a point, upon which posterity will look back for ages, and for centuries, to applaud the wisdom or to deplore the weakness of the national councils. The Navy and the War Departments will report soon, and will develop all the points of national and permanent defence which the extent of our country demands and the destiny of the republic requires. President Jackson has given us his earnest, his zealous, his reiterated recommendations; all depends now upon the legislative department, and upon the decision of the question, whether the public money shall go to the public defence, or shall be lavished and squandered in unconstitutional and demoralizing distributions among the States.

When Mr. Benton had concluded,

Mr. PRESTON gave notice that he should to-morrow move to amend the clause in the bill making appropriation for steam batteries, by striking out $660,000, and inserting $100,000 for the experiment. He would also move to strike out all the fortifications of the third class, and all for which no surveys or estimates have been made.

On motion of Mr. PRESTON,

The Senate adjourned.

Wednesday, February 24.

POST ROADS IN FLORIDA.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, reported a joint resolution referred to it, authorizing the establishment of certain post roads in Florida and Arkansas, with amendments; which were read.

On motion of Mr. GRUNDY, the Senate proceeded to consider the resolution.

Mr. GRUNDY stated that its object was to establish a communication between our military posts and the Indians.

Mr. CLAY inquired if there was any precedent for establishing post roads by a joint resolution, and that resolution not absolutely specifying what roads should be made, but leaving it at the discretion of the Postmaster General. The usual practice had been for Congress to specify in a bill the roads which were to be made.

Mr. GRUNDY replied that there had been instances of the establishment of post roads by joint resolution. As to the second branch of the inquiry of the Senator from Kentucky, he would say, that if he had draughted the resolution he would have made the language absolute; but as he had found that it was left to the discretion of the Postmaster General, he had suffered it to remain so. He was willing, however, to amend the resolution by striking out the words which provided that the Postmaster General was to exercise a discretion in the matter. He concluded with moving the amendment; which was agreed to.

The other amendments were agreed to, and the joint resolution was ordered to its third reading.

MAJOR DADE.

On motion of Mr. TOMLINSON, the Committee on Pensions was discharged from the further consideration of the petition of the widow and children of Major Dade, and it was referred to the Committee on Military Affairs.

Mr. TOMLINSON stated that the Committee on Pensions did not wish to make any extension of the pension system, but, under the circumstances of this case, Major Dade having been killed in Florida, the Military Committee might probably propose some allowance in the form of extra pay.

FORTIFICATION BILL.

The Senate proceeded to the consideration of the fortification bill.

Mr. BENTON read a schedule of the various forts in existence, in process of construction, and proposed to be constructed, as an appendix to his remarks of yesterday.

Mr. PRESTON then made some observations at length on the subject of the bill.

Before Mr. Preston had concluded, he was induced to give way for the purpose of going into executive business.

After a few words from Mr. BENTON, in correction of an error,

On motion of Mr. EWING,

The Senate adjourned.

Thursday, February 25.

CAREY & LEA'S HISTORY OF CONGRESS.

Mr. ROBBINS, from the Committee on the Library, reported a joint resolution authorizing a subscription to Carey, Lea, & Co's History of Congress.

The resolution having been read a first time, and the question being on a second reading,

Mr. BENTON opposed it, and asked if this was not the press of that Carey, Lea, & Co. who had figured so largely in the expenditures of the bank, and if this was not a work got up for bank purposes. He would like to see the book exhibited in the Senate, that they might see it.

Mr. HILL called for the ayes and noes.

Mr. BENTON. I move to lay the resolution on the table until the book shall have been exhibited to us.

Mr. PORTER said he did not know that a useful work was to be rejected because it was printed by a particular individual. For his own part, he had never inquired by whom it was published. But he thought it perfectly proper that the work should be seen, and he would not oppose the motion to lay on the table.

Mr. ROBBINS. Agreed.

The resolution was then laid on the table.

FORTIFICATION ON LAKE CHAMPLAIN.

The resolution submitted by Mr. SWIFT, directing the Secretary of War to cause a survey to be made of a site for a fortification on Lake Champlain, was considered.

Mr. PRESTON thought this resolution ought to be referred to one of the committees. It necessarily involved the expenditure of a considerable sum of money. He would therefore move that it be referred to the Committee on Military Affairs.

Mr. SWIFT said that, at a former period, this survey had been ordered, and for want of being able to procure a competent engineer to make the survey at the time, it had necessarily been delayed. He had, however, no objection to the reference.

The resolution was then referred to the Committee on Military Affairs.

FORTIFICATION BILL.

The Senate resumed the consideration of the fortification bill, when

Mr. PRESTON concluded the remarks commenced by him yesterday, by moving to amend the bill by striking out the clause appropriating for the fortification at Kennebeck.

Mr. CLAY suggested the propriety of laying the bill on the table, and having the various tables printed which had been referred to by gentlemen, before the details of the bill were decided on. As the works embraced in this bill were all new ones, there was no immediate haste necessary in acting on this bill. The wisest course would be to make appropriation promptly for the old works not provided for last session, and to take time for a full examination of the various subjects of appropriation in this bill.

Mr. **PRESTON** expressed his acquiescence in the force of the remark.

Mr. **BENTON** said that he had returned one of the tables he had cited to the engineer from whom he obtained it. It might be had by noon to-morrow. The other tables were before him, and the printing could not occupy so much time as to delay the bill.

Mr. **CLAY** said he did not wish to make the motion if any Senator was desirous to make remarks. He had been induced to make the suggestion because he thought the Chair was on the point of rising to put the question on the motion to amend.

Mr. **SHEPLEY** then addressed some observations at length on the defenceless condition of the Northeast frontier.

Mr. **WEBSTER** moved to postpone the further consideration of the bill till Monday, but withdrew his motion.

Mr. **BENTON** moved to lay the bill on the table, with a view to call it up on Monday.

Mr. **EWING** said he should endeavor to call up the land bill on that day.

Mr. **BUCHANAN** said he should ask the Senate, as soon as he could get an opportunity, to take up the memorial on the abolition of slavery.

Mr. **CALHOUN** said he neither wished to accelerate or retard the decision on that question.

The fortification bill was then laid on the table, and the papers were ordered to be printed.

On motion of Mr. BUCHANAN, the Senate proceeded, with closed doors, to consider executive business; after which,

The Senate adjourned.

FRIDAY, FEBRUARY 26.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was taken up.

[This bill, as reported, proposes to appropriate $320,000, to be expended on the part of the road in Ohio, $350,000 in Indiana, and $190,000 in Illinois.]

Mr. **HENDRICKS** withdrew a motion which he had made when the bill was last under consideration, to add $20,000 to the appropriation for Indiana.

Mr. **CLAY** objected to the appropriation of $100,000 for a bridge across the Wabash. There was no bridge over the Ohio or the Muskingum; though, in extent of utility, a bridge over either would be far preferable to the one proposed. His sentiments towards the Cumberland road were the same as ever; he felt some difficulty, however, in the question before the Senate; for here were gentlemen asking an appropriation for an object which was to benefit the people of their own States, when the whole system of internal improvements had been suspended by an administration brought into power by their co-operation, and sustained by their support.

The two States of Kentucky and Tennessee had received less benefit from the expenditure of the public moneys than any of the others; yet, when it was proposed to extend the Cumberland road to Nashville, Maysville, and Lexington, that important measure was rejected, vetoed, by this administration, supported as it is by Senators who now ask exclusively for themselves those benefits which they have denied to us.

Were he to listen to a spirit of resentment, he should vote nothing, except in cases where the whole Union was to be advantaged. He would not, however, act upon any such principle, nor be influenced by any such feeling. He was willing to carry on this work to the Mississippi; but not beyond it; and when asked for enormous appropriations and for new bridges, he felt it his duty to hesitate. He trusted gentlemen would limit their demands, and consent to have this appropriation stricken out.

Mr. **TIPTON** said that he would not have troubled the Senate with a single remark upon the bill under consideration, had he not found opposition to the measure from a quarter quite new and unexpected to him; one which, he had no doubt, would equally surprise his constituents, and for which they were entirely unprepared.

The Senator from Kentucky, [Mr. CLAY,] who had moved to reduce the appropriation to the amount applied on the road last year, is surely not seriously opposed to the continuation of this great work, after having supported it with such signal ability for thirty years. I cannot believe that he desires its abandonment, but that he moves to reduce the sum proposed in the bill, that the road may be a longer time in the progress of its construction. He wants to be six years in doing what I propose to do in three. Something has been said about the number of hands that we can economically employ on the work, and doubts have been expressed whether a sufficient number can be obtained to complete it within the period proposed. We are now engaged in the construction of but two public works within the State of Indiana, viz: the Wabash and Erie canal and the Cumberland road. Contractors have come from public works already completed in New York, Pennsylvania, and Ohio, and have generally brought with them laborers and tools sufficient to go on vigorously with these works. They will remain until they are finished, if the money necessary to continue them is appropriated; but if you cut down and limit the appropriation, you postpone the completion of the road, and you double the expense.

The State of Indiana has recently appropriated ten millions of dollars for internal improvements, and has organized a board of public works to conduct them. The construction of two canals, two railroads, and one Macadamized turnpike road, has been authorized, and the board will meet in a few days to determine upon their plan of operations for the year. If you make a liberal appropriation for the national road, it is probable that the State will not commence any of her works this year, as it may be possible that the two works already in progress will employ all the laborers that can be obtained; but if you reduce the appropriation as proposed by the motion of the honorable Senator, there will not be funds sufficient to employ all the hands now on the spot. They will consequently seek employment on the State works in contemplation, and when their services are required upon the road, the price of labor will have been enhanced, and you will thus not only procrastinate the completion of the road, but will materially increase the cost of its construction.

No good reason has been assigned for reducing the sum proposed in the bill. It is admitted on all hands that there is money in the treasury, and will be. The Senator from Ohio [Mr. EWING] has shown, most clearly to my mind, that we may pass this bill, the fortification bill, the favorite land bill of the Senator from Kentucky, and still have a large surplus in the treasury at the beginning of the year 1837.

When this bill was before the Senate some days ago, the honorable Senator from South Carolina [Mr. CALHOUN] moved to lay it on the table, and I understood him to say that his object was to prevent heavy drafts being made upon the treasury, until he was informed whether we were to have peace or war. He was kind enough to withdraw his motion, at my request, (for which I thank him,) to give the friends of the bill an opportunity to explain and defend it. I am happy now, sir, (said Mr. T.,) to have it in my power to say that the favorable change in our foreign relations justifies me in assuring the Senator that there is no reason to apprehend war in any quarter, unless it be those skirmishes which take place now and then with the Indians on our frontier. Should it ever become necessary for us, as a nation, to choose between war and a dishonorable peace, I have no doubt the Senator from South Carolina and myself, whether we be at that time citizens or Senators, will be found contending, side by side, for the honor of our country against the foreign foe.

I cannot suppose that the Senator, in making that motion, was actuated by motives other than a strong sense of public duty; I have too long known him as a friend of internal improvements, to believe that any other motive can influence him to vote against the appropriation proposed in this bill. I confess, sir, that I was surprised to see a newspaper friendly to the Senator, in noticing his motion to lay the bill on the table, attempt to give it a party coloring, remarking that his motion caused a fluttering amongst the friends of the administration. I would regret to see the passage of this bill made a party question. Indeed, I do not see how it can be; it never has, to my knowledge, been considered heretofore as partaking of that character. Of the different political parties which have existed in the country for the last thirty years, some members have supported and others have opposed appropriations for the national road, without regard to political bearing. If proof were wanting at this late day of the national character of this work, I could refer to an able report made by the honorable Senator himself, when he was at the head of an important Department of the Government, which may be found at page 61 of the Senate's documents, 2d session of the 19th Congress, where it is most satisfactorily shown that the continuation of the road in question to St. Louis was a work of national importance. This has never been questioned.

The Cumberland road was commenced under a law of Congress of March 29, 1806, whilst Mr. Jefferson was President. It was favored by him and by every administration since his day, by none less than by the present administration. It is true that this road has many friends among the present party in power, and it is equally true that it has many able and efficient supporters amongst those who do not support the measures of the administration. Others oppose this bill on grounds satisfactory to themselves and to their constituents. We have no right to object to their opposition. But I protest against suffering a bill of so much importance to those whom I have the honor, in part, to represent here, to be condemned to die on your table without giving its friends a hearing. I beg honorable Senators to come up and vote on this bill, not as a party question, but as a measure in which both national faith and national honor are pledged to the young States of the West for the completion of this road to Missouri. The act of Congress of 1806, to which I allude, and to which I beg leave to refer gentlemen who have doubts on the subject, authorized a survey of a road from Cumberland, in Maryland, or from a point on the Potomac river near Cumberland, over the mountains, to the State of Ohio, and provides that the money appropriated for that object ($30,000) was to be refunded to the Treasury out of the fund set apart by the compact between the United States and the State of Ohio for making roads leading to that State. By compacts between the United States and the new States of the West, a portion of the proceeds of the sales of the public lands is set apart for the purpose of making roads leading to the new States. The continuation of this road is in compliance with these compacts, thus entered into with the new States, I might say with the whole West, which will ere long embrace more than one half of this Union. Upon the admission of these States into the Union, they relinquished their right to tax lands owned by the United States within their limits, or such as might be sold by the Government for a period of five years after their sale, and the United States agreed to give to the new States lands for the purposes of education, salines, and this road fund, as an equivalent for the relinquishment. I put the vote on this bill on the ground of compliance with a compact between the United States and the new States of the Northwest. We have a right to expect appropriations to continue this road to the far West, not as a gift or grant to the new States, but as the performance of an agreement between the general Government and the people of the new States at the time of their admission into the Union.

Were there no compact between us, the United States, being the great landholder in the new States, would find it both their interest and their duty to contribute largely toward the construction of a road leading to their own lands. Those who oppose this road surely have not a hope of arresting its progress westward. I was forcibly struck with a remark made by an honorable Senator from South Carolina, [Mr. PRESTON.] He told us yesterday that the Western people were not the purchasers of the public lands; that it was the people of the East and South that purchased them. This is true to a certain extent. As your population increases to overflowing, and the means of support become more difficult of attainment, the young and the enterprising, quitting the homes of their fathers, the land of their birth, emigrate to the West. They become purchasers of the public lands, and, to all intents and purposes, Western people. They make valuable citizens. We are always proud to welcome them amongst us. They contribute to fill your treasury, and unite with us in adding to the wealth and power of the nation. Hence, according to the Senator's own showing, the continuation of this road is equally beneficial to the old and to the new States, and its extension must keep pace with the progress of settlement toward the far West, which is proceeding with a rapidity altogether unparalleled in the history of man.

Already has a settlement been commenced on the west fork of the Mississippi, above the State of Missouri. It will not be ten years before these people will form a State Government, and apply for admission into the Union. This will make a fine State, extending up the Missouri far towards the Rocky mountains, the inhabitants of which will be our friends, our neighbors; they will become purchasers of the public lands; and will they not have a right to expect to have the mail sent to them? And is it to be expected that they will not demand an extension of the national road westward? They surely will. I cannot doubt that this road will go on to the foot of the Rocky mountains, perhaps across them to the Pacific ocean. The sales of the public lands will afford the means, and we will apply them; for the same reasons that have heretofore induced Congress to construct the road thus far, will apply, in all their power, to its extension as far west as the Union may extend.

In 1829 Congress made an appropriation to remove the timber from the road through the State of Indiana, and to grade the banks preparatory to making it a turnpike road. The timber has been removed, and nearly one half of the road is graded. Half the bridges are constructed, and stone prepared to cover a small portion of the graded road. Putting on the stone is the most expensive part of road-making. This is the reason why a heavy appropriation is now asked for. If the graded portion of the road be not covered with stone, the travel on it, which is immense, will destroy it, and the work will have to be done over again next year.

The Senator from Kentucky [Mr. CLAY] tells us that he thinks the country through which this road passes, in Indiana and Illinois, is rather thinly settled; that it is a long distance between houses on some parts of the road. I will not undertake to say how the facts are as regards the road in Illinois; the Senators from that State will doubtless inform us; but I assure the Senator from Kentucky that every acre of public land along the road in Indiana has been purchased from the United States. The country is densely populated; the farms, although not quite so extensive as they are in Kentucky, are much more numerous, and villages are springing up at short intervals all along the road.

That Senator has also been pleased to allude to the support given to the present administration by the friends of the bill now before us; and he says that the States southwest of the Ohio wanted a branch of this road, which was denied them; and calls upon the friends of the national road to do even-handed justice to the States south as well as to those north of the Ohio. Sir, if that gentleman will look at the journals, I think he will find that several friends of this national road voted for the bill to which he alludes, (the Maysville and Lexington road bill;) if it did not become a law, it was no fault of theirs.

With regard (said Mr. T.) to my feeble support of this or any other administration, I can only be influenced by the Executive as by other public men. I go with them just so far and no farther than they pursue that course which I think sustains the honor and the interest of my country. I look to the wishes of a majority of my constituents, and to my own judgment of what is right and wrong, for the rule of my conduct here, and not to the will of a Chief Magistrate, or of any other individual, public or private. I care not who is President of the United States. If he administers the Government agreeably to the constitution and laws, he has a right to expect my support, and upon no other terms.

We have been told, during the discussion of this bill, that the great system of internal improvement by the general Government has been suspended. Sir, this is no fault of the friends of the national road; it is owing, as I believe, to a change in public opinion. Public sentiment in regard to internal improvement by the general Government is not now what it was in 1825. In that year an appropriation was made to prosecute surveys with a view to the construction of roads and canals in different quarters of the Union. The United States engineers went to work; civil engineers were employed to assist them, and surveys were extensively made for the purpose of ascertaining the practicability of a number of roads and canals. In 1828 a great political conflict terminated, that brought a new party into power in this country. The veto of the President on the Maysville and Lexington road bill, and his message returning it to the House in 1830, set the people to reflecting upon the subject of internal improvement on their own resources, by the States, or by incorporated companies. Before that time, but three States (New York the first one, stimulated and led on by her Clinton) had embarked extensively in improvement; Pennsylvania and Ohio had followed the example; in no other quarter was any thing of note going on. What, I would ask, is the fact in 1836? Why, sir, many States are making large appropriations for constructing roads, railroads, and canals. The people look this way no longer for aid, unless it be to the improving of our rivers; and this is withheld from some rivers, the Wabash for instance, to my utter astonishment, and to the serious injury of a large portion of the Northwest.

The Senator objects to a new proposition, as he calls it, in this bill, for a bridge over the Wabash at Terre Haute, and tells us that the Ohio is not bridged where this road crosses it; nor was the United States called upon to bridge the Muskingum at Zanesville. Now, sir, I do not remember that any proposition for a bridge across the Ohio at Wheeling was ever submitted to Congress. I am confident that I have not opposed it, nor will I now give a pledge to support it, if the proposition be made hereafter.

A bridge had been constructed over the Muskingum, at Zanesville, before the Cumberland road reached that place. The Scioto and White rivers have bridges constructed over them at the expense of the United States. This proposition to bridge the Wabash is not new to the Senate. A bill passed this body three years ago, containing an appropriation for that object. It was an amendment made by the Senate to a bill from the House of Representatives; and the House, for reasons which I will not trouble the Senate by relating at this time, refused to concur in the amendment of the Senate. It was near the close of the session, and fearing that the bill would be lost between the two Houses in the hurry and bustle always unavoidable on the last day, the Senate receded from its amendment, that the bill, which contained an appropriation for continuing the road, might become a law. An opinion was entertained by some that a bridge could not be constructed over the Wabash at Terre Haute, without materially interrupting the navigation of the river. This, if true, would have been a sufficient reason why the work should not be constructed, as one fourth of the people of Indiana, and a large portion of Illinois, are interested in the navigation of the stream above that place. To remove all doubts upon the subject, the Secretary of War was instructed by a resolution of the Senate to cause an examination to be made of the contemplated site for the bridge, and to report the facts, together with a plan and estimate of the cost of the work, to be laid before Congress. This report has been received, printed, and laid on our tables, and is satisfactory evidence that the bridge will be constructed on a plan which will not obstruct the navigation of the river. One item of appropriation in the bill on your table is to provide materials, and to construct the work in accordance with the plan submitted. The erection of this bridge is less important to Indiana than it is to the States west of her. The point where the national road crosses the Wabash is within nine miles of the eastern boundary of Illinois.

Surely every Western Senator knows that, unless we bridge the Wabash, the United States mail cannot pass that river when the ice is floating, but will be arrested in its progress to the States and Territories west, and that all travel and communication between them and the east will be liable to constant interruptions for a portion of the winter. This would produce a state of things exceedingly embarrassing to a very large portion of the Western country.

The Senator objects to the amount intended to be appropriated by this bill; says it is too large. He tells us that we were satisfied in by-gone days with far smaller appropriations; and he tells us that, although he does it with great reluctance, yet he is compelled, by his sense of public duty, to move to reduce the amount to what it was last year. It is true, sir, that when the treasury was drained to the last dollar, with the war debt unpaid, and a limited commerce, we were satisfied with a comparatively small appropriation. But it should be remembered that, at the time referred to by the honorable gentleman, our population was far less than it is now. Our settlements were then confined to the regions of country bordering on the Ohio and Mississippi rivers. The last seven years has wrought a wonderful change in our condition, population, and business.

The heaviest population at the present time is to be found in counties back from the Ohio, in the centre and north parts of the States through which this road runs.

I have reason to regret the loss of the able and efficient support which that honorable Senator has given this measure in by-gone days. Separating from him on a vote for internal improvements is like parting with an old friend; but the best of friends, they say, must part; and we will continue the national road without his aid, if he will not stick to us, though I can scarcely bring myself to believe that he will abandon his old favorite, the Cumberland road. I am an advocate for the energetic prosecution of this work. In two or three years I hope to see it finished through Indiana. The States west of her will have an equal claim to be heard—a claim that I, for one, will ever be willing to recognise. The Senator has always been distinguished for marching boldly up to his object, and I was not prepared to find him advocating the propriety or expediency of tardy operations on the national road. We now possess most ample means, and, in my judgment, we should prosecute the work to Missouri vigorously before we pause.

Something was said by the gentleman in reference to the population of the States southwest and those northwest of the Ohio river. By the census of 1830 it appears that there was a small fraction in favor of the Southwestern States; but it will hardly be contended that, at this time, there is not a greater population in four States northwest of the Ohio river than in five Southwestern States, including Kentucky and Tennessee. Should the Southwestern States desire to apply their road fund to the construction of a branch of the Cumberland road through Kentucky and Tennessee, I should raise no objection; but if they decline to apply it to that object, it cannot be pleaded in bar of our right to apply ours to the national road leading to and through the Northwestern States, this being the legitimate object for which the fund was provided, by the agreement between the general Government and the new States.

I am aware that some gentlemen oppose appropriations for this work, because they consider it a gratuity to the people of the new States. This is a mistaken idea of the facts of the case. The sums appropriated for this object will be replaced in your treasury from sales of the public lands within these States. Again, sir, it should be borne in mind that the Cumberland road is the great leading route for the far West, through the centre of the States northwest of the Ohio, over which the mail for six States and Territories must be transported. During the winter season our rivers are locked up with ice, and communication between the coast and the interior must be suspended for one fourth of the year, unless this work is completed. Our ability to do so will keep pace with the increase of population, and as the tide of purchasers of the public lands flows westward. Money expended to improve the navigation of rivers, or to construct roads in that portion of our country, when the United States are the owners of the soil, will not, I trust, be set down against the people who purchase and improve the public lands where such works are executed. I can demonstrate to the satisfaction of any one who will sit down with me and make the calculation, that grants of land and money to these objects have been equally beneficial to the treasury of the Government.

Take, for example, a grant of land made eight years since, of near half a million of acres, to aid the State of Indiana in constructing a canal to connect at navigable points the waters of the Wabash with those of Lake Erie. This grant consisted of the one half of five sections on each side of the line of canal. The State accepted the grant with doubt and hesitation, and by a close vote, after a lengthy discussion in her Legislature. Many leading members of the General Assembly doubted the propriety of accepting the grant, and obligating the State to commence in five years, and finish within twenty, a navigable canal, two hundred miles long, apprehensive that the land would not sell, and that the State would incur a heavy debt to complete the work. But, sir, the grant was accepted, and the State authorized a loan to commence the canal; and soon after we had in good earnest begun this great work, the State's land sold at from $1 50 to $3 50, and some of it at $50, and as high as $70, per acre. The United States lands that have been offered within several miles of the canal have been sold; even land of an inferior quality, which would have remained the property of the Government for a generation to come, was sold; and more money has been brought into the United States treasury, and in a shorter period of time, than if the whole of these lands had remained the property of the Government, and been offered for sale without the inducement to purchase occasioned by the commencement of the canal by the State.

The construction of the canal and national road in that State, together with the industry and enterprise of the people, has enhanced the value of every acre of public land a hundred per cent. Ten millions of dollars has been realized from this source alone by the general Government within the limits of the State. The United States are still the owners of about 11,000,000 acres in the State, a large proportion of which are fresh lands, and have never been in market. The recent sales at Fort Wayne and Laporte demonstrate, beyond contradiction, that fresh lands will hereafter sell at from two to twenty dollars per acre. The land office at Laporte took in $200,000 for lands sold at private sale during the last two months, as I am informed by a letter from the receiver of public moneys at that office. These sales of public lands, during the winter months, have not been equalled by sales in any other State or Territory since the existence of our Government.

Indiana is about to embark in a general system of internal improvement. She has appropriated ten millions of dollars for the construction of roads, railroads, and canals, at the last session of her Legislature. This has given a fresh impulse to the sales of the public lands in that State. I cannot doubt that all the land fit for cultivation, that is now or which may hereafter be brought into market, will sell within two years.

We are anxious to complete the Cumberland road through our State in three years, and for this purpose ask large appropriations to continue it, and for bridges; next year one half the balance, and the remainder in 1838. We consider that we are entitled to heavy drafts on your treasury whilst our country enjoys unexampled prosperity, and our constituents contribute so largely to fill your coffers.

The Senator from Kentucky [Mr. Crittenden] thinks that we have long since exhausted our two per cent., and he denies the existence of a compact. Here he and myself are at issue. I claim the money on a compact; and, further, if the gentleman will examine the quantity of public land sold and to be sold in the States and Territories, from the eastern boundary of the State of Ohio to the Rocky Mountains, he will find that the two per cent. is over seven millions of dollars; and we have not yet had half that sum applied to this road. He tells us he prefers laying this bill on the table, and that he will, if he can, get his own consent to vote for it. He expresses a kind feeling for the work, and says he would, if he could with propriety, vote with us. We would be gratified with his vote, but prefer taking the question at this time, even if we should be so unfortunate as not to be favored with his support. I expect a favorable decision of the Senate on a measure so important to the Northwestern States and Territories.

Much has been said about different plans of making roads. Of the science of road-making I do not profess to be a competent judge; but the national road is placed under the direction of an able and efficient officer of the corps of United States engineers. He is capable to judge of the best method of construction, and is responsible for the faithful execution of the work. The road is progressing well under this valuable officer. He has his subordinates, with hands and tools enough on the road to finish it through our State within three years. A very large portion of the road is now ready to receive the stone. Every one, however superficially acquainted with road-making, knows that this is the most expensive item of the work. And it will be economy of both time and money to give us the full amount of his estimates for the operations of the present year.

I hope the final action of the Senate will not be postponed. Should you make the appropriation at an early day, the officer in charge will be able to make his arrangements to prosecute the work vigorously; but if we put it off until the close of a long session of Congress before he is advised what amount will be at his disposal, the spring season for work, which will commence in three or four weeks, will have passed away, and the laborers now on the road will be forced to seek employment elsewhere, and he will not be as well prepared to prosecute the work at the beginning of the fall as he will be on the 1st of April, if the appropriation should pass in March. Gentlemen will see that it is vastly important for us that they decide this matter speedily. If the road is to drag on slowly, under limited appropriations, say so. If to be abandoned, let us know it. We are now as well prepared as we expect to be at any future time, to abide the disastrous consequences to our new and rising country. The estimate to continue the work in Ohio, this year, is $320,000. My colleague has withdrawn his proposition to increase it. The estimate to continue the road and for bridges, in Indiana, is $350,000; for Illinois, $191,000; making the round sum of $861,000; a little more than was paid into the treasury for lands sold by the United States within the State of Indiana in January last. This small item, I hope, will not frighten our friends. We can as easily appropriate thousands as hundreds, when we have enough and to spare. We are anxious to obtain appropriations from your overflowing treasury, sufficient to finish the road, and to surrender it to the States through which it passes, that they may keep it in repair, and stop any further drains from the treasury for that object. Let those who use the road contribute to its preservation in all time to come.

East of the Ohio river the road is completed, and given up to the States within which it lies, who have erected toll-gates upon it, and collect toll sufficient to keep it in good repair. Gentlemen from the Southwest, who have business at the seat of the national Government, all ascend the Ohio river to Wheeling, and take the Cumberland road for the Eastern cities. There is not a man in the nation, no matter how hostile he may have been or now is to internal improvement by the general Government, who, whilst comfortably seated in the stage, and viewing the fine bridges and magnificent scenery, as he glides swiftly and smoothly over the majestic Alleghanies, can feel otherwise than proud when he reflects that he is a citizen of the United States, and that this work will for ever stand forth as an unfading monument of the liberality, enterprise, and munificence, of his country.

Mr. CLAY said, as to there being any obligation on the part of the Government, growing out of a compact, to continue this road, there was nothing in it. The fact was, there were two funds: the nett proceeds of lands sold in the different States, one of three per cent. for roads in the States, and one of two per cent. for roads leading to them. That two per cent. fund has been exhausted one thousand times, and Government will never be remunerated for the money which has been laid out, and which was based upon that fund. There had been granted already four or five hundred thousand dollars to each State, and to Ohio eight hundred thousand dollars. We must have some feeling in the matter, and not see the public treasure profusely lavished on the new States, to the injury of the old. Let us fix upon some equitable scheme, whereby the public benefits shall be divided among the whole, and not thus unnaturally restricted to the few. Let the road be carried on in moderation and reason, as it has been heretofore. As to this bridge being, as the Senator from Indiana says, absolutely necessary as a commercial thoroughfare, it is not so. The rivers are the thoroughfares; it is up or down these channels that our Western commerce is wafted, and the extent of transportation upon our roads is, therefore, but limited. As to the interruption of the mails, they have suffered a delay which has very much inconvenienced the public, from the fact that there was no bridge over the Ohio; and the accommodation to the people, if one was constructed there, would be in proportion to that inconvenience. Indeed, the whole trading, travelling, and emigrating population, would have been greatly benefited by such a work. It is unpleasant, painful, in an inexpressible degree, to refuse this appropriation; but feelings of justice to myself and to the country compel me to vote against it. The benefits conferred by this administration have been limited to one side of this great river, and we on the other feel as if we were aliens to our common Government. In justice to my character and principles, when appropriations are asked for local purposes in States west of the Ohio, I must, unless they are asked for in moderation, give my vote against them.

Gentlemen are anxious to advance the interests of their particular States. It is natural that they should be so; and their efforts to effect their object redound to their honor. But the road is not yet graduated. Why, then, ask an appropriation for stone now? There will be time enough hereafter. The stone is not going away; it is rather an imperishable material, and will probably remain where it is. Besides, you should give the roads time to settle, to acquire a character, so as to be capable of receiving the *metal*, as it is technically called. I have the best authority for saying that there is one stretch of one hundred and fifty miles on this road, which cost from ten to sixteen thousand dollars a mile; and that in one instance the stone has to be hauled a distance of not less than ten miles. I could desire to acquiesce in the demands of gentlemen; but things do not always go as we wish. Philosophy and resignation are duties which we have been called on to exercise very often under this administration. Let the honorable Senator endeavor to practise them, and to ask in moderation what we only in moderation can grant.

Mr. ROBINSON said, as a member of the committee which had reported this bill, he felt it his duty to state some facts, in relation to it, of which other members were not, perhaps, fully in possession. The system, so far as respects the mode of performing the work, had been wholly changed about a year since; previously, the work was done by letting it out by the job to the lowest responsible bidders; now, hands and artisans are employed by the day, by the superintendent, an officer of the engineer corps.

This last and present mode admitted of large expenditures advantageously. The amounts, as now in the bill, are based upon estimates from the War Department.

The committee had had two sets of estimates: one showing the smallest amount which ought to be appropriated for any thing like a successful prosecution of the work; the other, the maximum amount that could be advantageously expended.

Passing over the admitted importance and usefulness of this road, it is a national work, one which it was agreed on all hands ought to be and would be completed. It is now only to be determined—shall the work progress as speedily as circumstances fairly authorize, or shall it be at a slower rate; and, if the latter, how slow?

The fact is indisputable, that a certain number of officers are necessarily to be kept employed, whether the appropriation be the full or half the amount as now in the bill. To his mind, and so he thought it must strike every one, there could be no hesitancy as to the proper course. If an individual was compelled to keep in his employ a certain number of overseers until a given piece of work was completed, and, by hiring as many hands as his overseers could advantageously find employment for, the work could be finished in one year, would he not be a very bad economist, having, too, the means at hand, to hire laborers so sparingly as to keep the overseers ten years doing what could have been done in one? The same course which would be adopted by an individual in the case just put, should, by the Government, be observed in the present case. The minimum estimates have been taken, not the maximum; and unless these amounts be appropriated, the work, instead of going on prosperously, will languish, and in many instances, in its unfinished state, suffer much injury. It has been said the road passes through a sparsely populated country, particularly that part of it which is in Illinois, and hence the road is not much called for. True, the population is not as dense as the country would admit and invites. Here Mr. R. gave a statement of the average size of the several counties through which the road passed, from where it first entered Illinois to Vandalia, the seat of Government, and the respective population of each; which, he trusted, showed a population not so very sparse, and, as he thought, not very far short of the average population of a large portion of the Western country. But it is objected that it will never be one of very great commerce. Admit it will never be one upon which wagons will pass a great distance at a time for the purpose of taking produce to market, yet for that purpose it would be much used in the neighborhoods of towns and navigable rivers. East they will find a market for a very large portion of their surplus stock. Already that trade had commenced, and upon this road much of it would be driven. As to travelling upon it, he had only to say it would be used, as all other roads generally are by the people of the country, in passing from one neighborhood to another, from one county to another, and from one State to another. It was certainly true, as has been stated, that any one wishing to come here, or east of the mountains, from where this road will cross the Mississippi, would most probably make the trip by water, if steamboats were running; which, by the by, was not by any means always the case. Mr. R. hoped the motion to reduce the sums now in the bill to the amounts appropriated last year would not be sustained by the Senate. If it was, that ninety miles of the road in Illinois which is in a very handsome state of progress would be left without a single dollar for the prosecution of the work, because, for that part, there was no appropriation whatever last year; and the reason was this: there was an excess of previous appropriations upon hand, supposed to be enough, and was enough, for the year 1835. This excess was owing to the derangement of labor by the Indian war of 1832, the cholera, and other sickness the two succeeding years. From these causes, it was wholly impossible to employ the necessary number of hands. These balances, he believed, were now exhausted, and perhaps more than exhausted. Should the latter be the case, and such it was in Ohio, the amendment, if adopted, would leave your officers in a very awkward situation. Be this as it may, as to any arrears yet due hands, under this amendment all further labor upon the ninety miles in Illinois is undoubtedly stopped, which certainly could not be designed by any one, much less the mover of the amendment, [Mr. Clay,] who tells us he is friendly to the road and its completion—a completion more slowly, to be sure, than I think is advisable and in keeping with good policy.

Something has been said about the cost of this road per mile, and that stone has to be hauled ten miles. I have seen (said Mr. R.) no estimate of the cost per mile for the entire completion of that part in Illinois, nor am I advised any has been made. This, however, I will venture to assert, that it can be made as cheap as any ninety miles of the same kind of road in any part of the known world. The country is level, and abundant in material of every kind necessary for its construction. Stone, it is true, has, at some places, to be hauled considerable distances, and in one instance as far as thirteen miles. The bottom at Vandalia, it is admitted, will be costly, for there the road has to be raised several feet for the distance of about two miles, and this is the only place of extraordinary cost. Many bridges will have to be constructed, but not more, if so many, as are found necessary in every country; and none of them are of a very costly character, for the streams are narrow.

Mr. EWING said he did not at all deny that the two per cent. fund due to Ohio, or which would ever become due to her for the sale of lands in her territory, was long since exhausted, long, indeed, before the road which had its origin from that fund had reached the Ohio river at Wheeling; and gentlemen were wrong in saying that those who advocated the extension of this road held out to Congress the vain pretence that the money to be expended on that road would be reimbursed out of that fund. I remember well, (said Mr. E.,) when the first appropriation for this road west of the Ohio river was under discussion, that one of its principal advocates from Ohio (General Beecher) declared on the floor of Congress that the fund, so far as it respected Ohio, had then been exhausted, and that reimbursement in that way was out of the question; and he rested the claim of the West on other grounds, the same, in the main, as those on which we now place it.

But though Ohio contributed, and largely too, to the construction of the road from Cumberland to Wheeling, it is not, in my opinion, just that the road, so far as her funds did not make it, should be charged to her account, or as a boon granted to her and to the States northwest of the river, by the United States. Especially it seems to me that this charge should not be made against them by the gentlemen from Kentucky. The road from Wheeling to Cumberland is as much the road of Kentucky, Tennessee, and all the country upon the Mississippi and its waters, as it is of Ohio, Indiana, and Illinois. From whatever quarter of the great West we come, we meet at Wheeling, and this is our common highway. And from whatever portion of the Atlantic seaboard the traveller or the emigrant sets out for the West, this is his most direct and convenient route. It is, therefore, a road for the benefit of the nation, constructed in part out of the public funds, and in part out of a fund created by compact with Ohio on her admission into the Union. It does not lie, one inch of it, in the territory of Ohio. She has no more interest in it than one half the Union besides, and it is very unjust to her to charge as a donation or gratuity to her the excess expended upon that road beyond the amount which was applied by virtue of her compact.

But the Senator from Kentucky before me [Mr. CRITTENDEN] has said that this two per cent. fund, out of which the road was in part constructed, was itself a gratuity, a gift by the general Government to the new States, a kind of outfit given by the common parent to them, the younger members of the national family. The honorable Senator is mistaken; we paid for it with a price, and it was a dear purchase. The consideration given for it seems to be misunderstood by many. The Senator from Kentucky seems to suppose that it was on condition that the new States would not tax the United States lands, which they had, in fact, no right to tax. Not so. It was in consideration that they would not tax those lands for five years after they became the property of individuals; thus depriving the State of a source of revenue which, according to the rates of taxation for State, county, and road purposes, would have very much exceeded that five per cent., and holding out inducements to individuals to buy the land of the United States, partly because of this exemption from taxation. So much with regard to the road from Cumberland to Wheeling, which is constantly paraded here in every account current between the United States and Ohio, whenever it is the wish of gentlemen to impress her representatives here with a due sense of her special obligations to the general Government. Those obligations are, indeed, many and deep, and none can be more ready than I to acknowledge them, but I cannot consent that this should hold the rank which gentlemen are disposed to give it among the number.

And now, as I am upon this subject, I cannot forbear to say a word in reply to the gentleman from Kentucky near me, [Mr. CLAY,] as to the general matter of donations to the new States, which he has been among the foremost and the most liberal in granting, but which he seems to think have gone further than justice to the old States would warrant. In this, it seems to me, he is in error, according to the principles avowed by himself, and on which, I presume, he will continue to act.

He admits, and I believe all admit, that the new States are entitled to some consideration in consequence of the location of a large amount of public lands within their borders, which is rendered more saleable, and consequently more valuable, by the improvements made in their vicinity by the State and by the people. If public improvements be made by funds raised from a tax on land, the United States, as a great landholder, although not taxable, ought in justice to contribute something with the other landholders, to raise the general value of the common property. The increased sales in the old districts in Ohio show how the public lands rise in value by reason of these improvements. If the United States should contribute something, the next question is, how much? This the Senator from Kentucky has settled according to his own judgment, in the land bill introduced by himself, and which he has heretofore pressed, and I trust will again press, with his wonted zeal and ability. In that he gives to the new States ten per cent. of the proceeds of all the lands sold within their limits. Taking this to be the just rule, and I think it is, we may say with confidence, that what is just now has been so heretofore; and the States ought to have, or to have had, the same ten per cent. upon all the sales heretofore made. There have been paid into the treasury, of the proceeds of the sales of lands in Ohio, of cash and stocks, a little more than $19,000,000, of which, on that principle, she ought to have received $1,900,000; while the whole value of the lands given to her, and on conditions, too, very important to the United States, is, at the minimum price, $1,153,671; less, by upwards of $700,000 than what she is entitled to on this principle. There have been given to Indiana, and is proposed to be given her by the bill to which I have referred, 500,000 acres of land, worth $625,000, while the receipts from the lands in that State have amounted to about $9,500,000, making her deficit, on this principle, $325,000. The accounts of the other States would not, it is true, balance so well on this principle, if we take into view the grant proposed to them in the land bill; but if any thing more than exact justice were done them, it would at least be well-placed generosity.

This road, on which the present appropriation is proposed, has, I have no doubt, had much effect in increasing the sales of public lands in the new States through which it passes. Those sales, which produced a sum last year unexampled in amount, still go on increasing; and if the sales during the whole of the year 1836 bear the same proportion to those of 1835, as those of the month of January in those years bear to each other, the whole sales will not fall much short of $30,000,000. From present appearances, I esteem it safe to estimate the receipts for lands in 1836, at $20,000,000. The sum asked for an appropriation to this road is trifling, compared with the amount which is in the treasury, and which is flowing in from those two bounteous sources—the public lands and the customs. The report of the Secretary of the Treasury, received a few days ago, shows that the amount in the treasury is but a trifle short of $28,000,000, and the accruing receipts from the customs for the present year will more than supply all that can be expended under any appropriations which we can judiciously make. This bill, therefore, or any other appropriation bills, which are not the very wildness of extravagance, does not, and cannot, militate successfully against the land bill—that measure of justice to all the States which the Senator from Kentucky still so fondly cherishes, and in which I assure him that he shall have all the aid which it is possible for me to give him. Indeed, anxious as I am for the passage of this bill, I deem it of small importance to my own State, when compared with that; but, as neither can affect the other injuriously, I still hope for the aid of all who are friendly to the general object, in the passage of both.

Mr. CLAY said he was desirous to get a little aid in this work of economy. He would like to know if there had been any estimate of the cost of this road from the Wabash to the Mississippi. He was informed that the stone had to be hauled from a distance of twenty-five miles, and that the graduation had cost $7,000 a mile. The Maysville road, extending some forty or fifty miles, did not cost above $6,000. It had been said that this road was convenient for driving stock. He touches me (said Mr. C.) when he makes this statement, and compels me to say that a Macadamized road is the worst possible road for stock. What has happened to myself? I had to transport my bull Orizimbo from Lexington to Maysville. I could not risk the destruction of his feet by putting him on a stone road, and I had to bring him in a wagon. His friend from Ohio [Mr. EWING] would make the best auditor in the world; nay, all the other auditors together would not equal him. He, from the slightest data imaginable, can make out a balance in favor of his own State. The land bill, on which he places his calculations, has not yet passed; and, if it had, all the rest of the suffering States would participate in its benefits. The gentleman had said that a single advantage in the transportation of men and munitions, in some exigency of war, would be sufficient to remunerate the Government for all that the road would cost. Give him but an "if" to stand upon, and, like Archimedes, he can move the world. If this was to facilitate the driving of stock, he would tell the gentleman that it was better to drive stock over the prairie than over a stone road. The cost of transporting the stone was a serious matter. He could not consent to vote for such large appropriations at once, as they could not be disbursed economically and advantageously. He wished to know from the department the probable cost of the road. Gentlemen say they have practical engineers concerned. He was glad of it; and he would suggest that the laborers should be proportioned to the officers, and the officers to the laborers. If there was more labor employed than was necessary, he would lessen it, and employ only a due proportion of officers. It was not necessary to keep extra labor employed. The object of his motion was to restrain Indiana and Ohio within the limits of last year's expenditure, and to confine that in Illinois to graduation alone. The road in that State was not yet located. There were the rival claims of Alton and St. Louis to be settled before any location would be made. In consequence of the conformation of the country, there need not be any great expense incurred. It was an elongated plane from Columbus to the Mississippi. The cost would not be in the graduation of the road, but in the transportation of the stone for its construction, as it would have to be brought from a considerable distance. If gentlemen were not satisfied to have the same appropriation as last year, he hoped the bill would be laid on the table, until an estimate of the cost could be obtained.

Mr. HENDRICKS remarked that it had so often been his duty, from the position he occupied in relation to the business of the Senate, to present the claims of this road, and the claims of the Northwestern States in connexion with it, that it had become irksome and unpleasant to him to make any further remarks on the subject; but that duty, as well as the expectations of the Senate, seemed to require him to make a statement on the present occasion, which should be as brief as possible.

He would endeavor to answer some of the objections of the Senator from Kentucky; and, in the first place, that to the Wabash bridge, contemplated by the bill. The Senator from Kentucky supposes that it has never been the intention of the Government to construct bridges over rivers of this magnitude, and mentions the fact that the Monongahela river at Brownsville, Pennsylvania, and the Ohio river at Wheeling, had not been bridged, although the necessity for bridging these streams was much greater than that of bridging the Wabash. But a simple fact seemed to have escaped his recollection, which would no doubt explain to him the reason why those rivers, and especially the Monongahela, had not been bridged, and convince him of the fact that it had always been the intention of the Government to bridge all other streams between Cumberland and the Mississippi. The propriety of bridging the Ohio river at Wheeling has, on account of its navigation, always been questioned. In relation to the Monongahela and Ohio rivers, no law ever existed authorizing them to be bridged. In all other cases on the road, bridging has been authorized by law. He referred to the appropriation bills, which at one time directed the Cumberland road to be constructed to the Monongahela river, at Brownsville. The appropriation afterwards made for the road from that river to Wheeling directed the construction to commence on the western bank of the river; and its width, the bed of the river, was left unprovided for. So was it in Ohio. When Congress authorized the construction of the road westwardly of Wheeling, the law directed the work to commence on the western bank of the Ohio river, leaving out the width and bed of the river. For bridging these rivers there never was any provision made by law. No estimates of engineers. Further west this was not the case. For bridging all the streams between the Ohio and the Mississippi rivers, on that road, there are estimates, and the streams are included in the measurement of distances. It is no doubt true, as has been stated, that no bridge was built over the Muskingum at Zanesville. Here the Government found a bridge in the hands of a company. It was adopted for the road, and for aught he knew this might be the case elsewhere, though he recollected no other such case. At Indianapolis a bridge had been built over White river. This, although the engineer had, in the location of the road, made estimates for, yet the department would not proceed in its construction without an expression in the appropriation law respecting it, similar to that contained in this bill for the bridge over the Wabash. The law passed containing this direction, and the bridge had been built. This proposition, said Mr. H., for a bridge across the Wabash, had been called a new proposition. But this was not the fact. It would be recollected that, on a previous occasion, this same proposition had been inserted by the Committee on Roads and Canals of the Senate, in a Cumberland road appropriation bill. Objections were then made, elsewhere, not here, on the suggestion that this bridge would or might injure the navigation of the river. This fear prevailed, and the clause was stricken out of the bill. Since then the Senate have directed, by resolution, that the United States engineer superintending the road should examine and report on that subject; and the report is, that a bridge, such as is recommended, will not in any degree injure the navigation. The fact of previous objections having existed to this bridge makes it the more necessary now that the bill should direct the construction.

Other objections have been made to this bill. It is said that, while large sums of money have for the last ten years been expended on this road through the Northwestern States, the other side of the river is left destitute. It is said that the southern side of the valley of the Ohio, Kentucky, Tennessee, Alabama, and other portions of the great Southwest, are, in point of commerce and importance, as ten to one in comparison with the States north of the Ohio river, and that no appropriations for a similar work can be obtained from the federal Government on the south side of that river. Mr. H. said that he was unable to perceive by what premises the conclusion of ten to one in favor of the south side of the river had been arrived at. He had arrived at a conclusion very different. He undertook to say that, from the eastern line of the State of Ohio to the Mississippi river, the States on the north side of the Ohio river would compare with the southern side of equal geographical extent, much more favorably than ten to one. He believed that the population was, at the present moment, very nearly, if not quite, equal on the north side to that on the south; and it was hazarding little to say that, in a short time, it would be double. But is there, said Mr. H., no consideration on the north side inducing appropriations, which does not exist on the south? Is the six millions and a half of dollars, which, during the year 1835, has been paid into the treasury of the United States, through the medium of the land offices in the four Northwestern States, nothing? Is the consideration that not one dollar has been paid into the treasury by the southern section of the country referred to, nothing? The States south of the river, to the western boundary of Tennessee, own the lands within their limits. North of the river the whole of the public domain is owned by the United States, unshackled by taxation. Is this nothing? Is there not equitable obligation on the owners of the soil to aid in the construction of public roads in every country? And is there any other country in which this obligation is not enforced by law? None, said Mr. H., that I know of, or ever heard of. The lands of this Government in the hands of the new States are not taxed for roads or any other purpose; and while these States are expending millions in roads and canals, and increas ing the value of adjacent public lands as five to one, or ten to one, we, the representatives of those States, are continually hearing murmurs and regrets that the fostering hand of this Government is, in the dispensing of its favors, leading the new States in the path of unparalleled prosperity; lavishing millions upon them, whilst many of the old States are wholly destitute of its benefits and favors. Is the prosperity of the new States so mysterious that it can be accounted for in no other way than in the gifts and grants and two per cents. of the federal Government? They are blind, or poorly informed, who cannot see other causes for the prosperity of the new States of the Northwest than the benefits derived from this Government. Sir, said Mr. H., the great prosperity of the Northwest may be traced to various causes. The population that have emigrated to those States are the bone and sinew of the old States. They possess more energy, enterprise, and industry, than the men left behind them. They are generally men early in life, who go to the new States for the purpose of bettering their condition, and who, being well aware that, in entering upon an untried scene, great exertions will be necessary, are prepared to make these exertions. For the prosperity of the West we are also indebted to the great fertility of our soil; the navigation of our majestic rivers; the salubrity of our climate; the susceptibility of our country for works of internal improvement, as well as the enterprise of our people in making them; the productiveness of the country in all the necessaries of life, being, perhaps, as fine a grain-growing country as is on the face of the globe. These, sir, are the causes of the great prosperity of our country. It is said that this Government has raised that country up! Rather might it be said that this Government could not have kept it down. It would have grown and prospered, to a much less extent, indeed, under the most grinding despotism that ever a people endured. Is it said that the campaigns of Harmar, St. Clair, and Wayne, repelled the savages and opened the country for settlement? This is true, in a certain degree, but it might, with almost equal certainty, be affirmed that the armies of Harmar, St. Clair, and Wayne, had they been combined with the savages for that purpose, could not wholly have prevented the settlement of that country. Such a country on our borders could not have been withheld from such a people as that of the United States, inured to war as they were, and just having emerged from the conflicts of a glorious revolution.

The importance of this road, Mr. President, it seems to me, has been greatly undervalued. It is said not to be a commercial road, because it runs parallel with the river Ohio, which floats the whole commerce of the country. This not a commercial road! And what, Mr. President, is a commercial road? It is true that it is not a highway of foreign commerce; but, for all the purposes of domestic commerce, it is certainly more emphatically a commercial road than any other of like extent west of the mountains. It is the principal thoroughfare of emigration from the Eastern States to the central parts of the three Northwestern States. Formerly the Ohio river was almost the only line of approach for the stream of population continually pouring in upon that country from the Atlantic States. The country bordering on the Ohio river was in this way first brought into market, sold, and settled; but for the central region of those States, for a wide belt of country extending from the eastern boundary of the State of Ohio to the Mississippi river, it is almost exclusively the channel of emigration and of commerce. It is the great stem, as the Senator from South Carolina has denominated the Charleston and Cincinnati railroad, with which almost every important road of the Northwest is united. It has been the means of settling a country of greater extent and fertility than any other road of the United States. The emigration to the northern portion of those States has had facilities of water transportation as well as that to the southern portion of them; but this central and by far the most fertile region of these States has been chiefly indebted to this road for its first settlement, as well as for its subsequent prosperity and improvement. And, sir, if an account had been or could be opened between this road and the federal Government, giving it credit, as it is fairly entitled to, for a large share of the present prosperous condition of the country, as well as for the millions rolled into the treasury by it, how far on the back ground would be placed the small and inconsiderable sums which you have appropriated for its construction? But the sums which were at first injudiciously expended on this road upon the mountains and east of Wheeling, as well as the sums which have more recently been expended on the same eastern road for repairs, made necessary by your refusal to put toll-gates upon it, or to transfer it to the States, have also been mentioned as fairly chargeable against the road, and the fund set apart for making it. Well, sir, take this all into the service against this road, and still the amount will be a pitiful sum, compared with its great advantages to the Northwestern States and to the treasury of the Union.

But is it fair (said Mr. H.) to charge all the sums expended upon this road, east of the Ohio, against the fund, and against the States which ask that this road be made to the Mississippi? Surely not; for this road, east of Wheeling, has been more valuable to Kentucky, Tennessee, and Western Virginia, than it has been to the States of Ohio, Indiana, and Illinois; because more people have been profited by it from the south side of the Ohio river than from the north side of it. And it is hazarding very little to say that, but for the accommodation of Kentucky, which has used the road, agreeably to the language of the Senator from that State, as ten is to one in comparison of the people of the other side of the river, the road would not have been commenced or finished to Wheeling as soon as it was. Is it fair, then, to charge all this upon the two per cent. fund, undertaken as it was chiefly for the benefit of others, who have to this day enjoyed most of its benefits? By the compact, however, you were only authorized to expend the fund of Ohio east of the river; and if you expended more, you cannot fairly charge it upon the road funds of the States further west. You are bound, with the fund accruing from the land sales in Indiana, to make a road or roads to that State; and you are bound, in like manner, with the Illinois road fund, to make a road to that State. The Indiana fund is to be expended in Ohio, and the Illinois fund is to be expended in Indiana.

Frequently has it been remarked that the two per cent. fund is wholly exhausted. I admit, sir, (said Mr. H.,) that the fund accrued is more than exhausted; but the fund accruing is not. I have not entered into any minute calculation in this matter, but a paper has been put into my hand, based on a calculation of the whole two per cent. fund to arise from all the public lands in the parallel of latitude of this road, and including a territory west of the Missouri about as large as it is proposed to make the Territory of Wisconsin. The aggregate is about seven millions and a half of dollars. This, it will be admitted, would go far towards making a good road to the base of the Rocky Mountains, should that ever be the pleasure of Congress.

The Senator from Kentucky (said Mr. H.) has complained of the largeness of the appropriation asked for by the bill, and has proposed its reduction to the sums appropriated last year. But he would mention a fact, that the amounts appropriated last year were added to large balances of appropriations for the previous year remaining unexpended. This state of things was occasioned by the late period of the session at which the appropriation of that year was made, and by the late commencement of the work in the summer of 1834. This unexpended balance in Indiana was upwards of eighty thousand dollars, which, with the one hundred thousand dollars granted last year, was expended before the working season had ended, and the stone which had been prepared for the bed of the road, and which would have preserved it from injury wherever applied, could not be spread over it for want of funds. Should the motion prevail, it will be ominous to the speedy completion of the road. The largeness of the appropriation.—Mr. President, if the Senate will permit me, (said Mr. H.,) I will turn to the appropriation of 1819 for this road east of Wheeling. Then, on a road of 130 miles in extent, and much of it finished, $535,000 was appropriated, at a time, too, when we had a war debt upon us of about one hundred and fifty millions, and a large sum of this bearing an interest of seven per cent. Now, the line of this road under actual construction exceeds 350 miles. We have a surplus of about thirty millions in the treasury, and yet it is proposed to diminish the appropriation contained in this bill. He hoped it would not be done, and that the Senator from Kentucky would yet withdraw his opposition, and lend us, as heretofore, his efficient helping hand.

Mr. H. said that he placed this bill, distinctly and emphatically, on the ground of solemn compact with the federal Government, and on the ground of the Cumberland road having been recognised as a settled public work, begun and to be finished by this Government. He said that this road was based on compacts of the Government with all the new States northwest of the Ohio and west of the Mississippi rivers. These compacts had their origin in the policy of settling the Western country, and of uniting that country in interest and affection with the Eastern States. They were based on the consideration that the new States with whom they were made should for ever abandon their right of taxing in the hands of purchasers the lands sold by Congress, for five years next ensuing the date of sale; a right clear and indisputable, and acknowledged by Congress, in asking for the compact by which it should be abandoned. These compacts set apart a portion of the moneys received from the sales of the public lands, to be expended, under the direction of Congress, in making roads leading to the new States; and this road was commenced in 1806, during the administration of Mr. Jefferson, in fulfilment of the then existing compact with Ohio. Appropriations, from year to year, have been made to this object ever since. They have been sanctioned by every administration, and it has long been considered a settled work of the country, for which estimates are continually made, as for other public works. The present bill is based on one of these estimates, and he supposed that no member of the Senate, not even those whose constitutional scruples prevented them from voting for it, wished the work now to be wholly abandoned.

The road has been finished (said Mr. H.) as far as Hebron, in the State of Ohio, and given up to the States through which it passes, for the purposes of preservation and repair, and much work is done on it beyond that point. It has been retarded in the western part of Ohio by continued efforts to change the route by Dayton, but the road is graded and bridged through the greater portion of Indiana, and is in a condition to be very much injured by neglect and delay in its completion. The continual and almost unparalleled travel on this graded road, subjects it to much injury, and makes continual repairs necessary. To some extent stone is prepared for covering the bed of the road, which, for want of funds, has not yet been put upon it.

Sir, (said Mr. H.,) this road is the favorite measure of the States northwest of the river Ohio. If no appropriations are to be made to this road, and no distribution of the surplus revenue among the States, the interests of these States in the present session will be small and trifling indeed. The beneficent hand of the federal Government will not there be felt. Yes, sir, the great West, the new States, that have borne the burden and heat of the day, that have paid you millions into the treasury—fourteen millions last year, and will probably pay twenty or thirty millions during the present year, from the public lands—will be entirely overlooked. I make these statements (said Mr. H.) on good and sufficient data. The sales in Indiana during the month of January last amounted to $390,000, or thereabouts; and in the State of Indiana alone, it is a reasonable calculation that you will receive more than $3,000,000 the present year. And are all these millions to be withdrawn from the interior, and expended on the seaboard? I too am for the military and naval defences of the country, but I shall give no vote here that will lose sight of my own section of the Union.

This road, Mr. President, was intended, originally, to subserve the interests of the treasury of the United States, as well as those of the West. And has it disappointed the expectations of its friends in either respect? Compare the amounts expended on it with the millions it has aided in bringing into the treasury, and it will be extremely difficult to strike the balance against the road. It would be wrong, Mr. President, to ascribe the prosperity of the Northwestern States to any single cause, but it would be equally erroneous to deny that this road had largely contributed to that prosperity. The truth is, that every dollar heretofore appropriated to the improvement of the country northwest of the Ohio river has returned into your treasury amounts more than double. The grant of land to the Wabash and Erie canal looks large on paper, and so it is in reality; and often do we hear of it on this floor. In every proposition for grants to the new States, this road, and that grant, with the grant to Illinois, and some others, are continually brought in review before us. And has not the Wabash and Erie canal grant been the means of selling millions of acres, which, but for that grant, would to this day have remained unsold? And has it not sold lands in its vicinity for ten dollars an acre, which would otherwise have remained unsold to this day, or, if sold at all, would have sold at $1 25 per acre? Sir, (said Mr. H.,) I well remember telling the Senate, when that proposition was before this body in 1827, that every acre granted to the State for the construction of the Wabash and Erie canal would be an acre well sold, and would swell the amounts thereafter received in the treasury. I was then thought to be sanguine and visionary. The bill struggled along, as this bill is now struggling along. It got through, as I hope this bill will get through. My most sanguine expectations have been doubly realized, and I verily believe that every acre contained in that grant has brought into the treasury five times as much as it would otherwise have sold for. Without that grant the canal would have been ten or fifteen years later in being commenced and completed. The Upper Wabash lands would have sold at the minimum price, and millions of acres now in the hands of purchasers would still have belonged to the Government.

A proposition is now before the Committee on Commerce to appropriate $25,000 for a harbor at Michigan City. You have about one hundred townships of new lands in that section of the State not yet brought into market. Now, it is a calculation perfectly safe, that the making of this appropriation of $25,000 for a harbor at Michigan City, the only place, as is believed, where a harbor can be made within the State of Indiana, will make a difference of $100,000 at the land sales in that vicinity within the present year.

The bill before the Senate is based on estimates of the department; and if it be intended to complete this road, as it no doubt will be completed, then it is unquestionably good economy to appropriate the largest sum; for all the contingencies of the disbursements will be the same for the lesser sum as for the larger sum, and the road, if rapidly completed, will cost much less in repairs. As soon as completed it will pass into the hands of the States, as other portions of it farther east have done, and it will be a most valuable public work, of lasting duration, without further expense to the Government.

Mr. **BUCHANAN** said it had been his fate to travel on this same Cumberland road very often. He should be very glad to obtain the vote of the Senator from Kentucky, but he thought the chance of it somewhat slender. As to completing the work upon the idea or principle of a compact, that was perfectly illusory. The two per cent. fund was long ago exhausted, and the balance in favor of the Government was at least five millions. Why, then, (said Mr. B.,) do I vote for this appropriation? Simply because the policy of constructing this road was long since established. Government must, at any rate, be at the expense, and the only question to be considered was one of time. Let it be finished and done with; and leave it not to be said hereafter that the work cost more because of our delay. This is the reason which will govern my vote; as to any compact, bargain, or obligation, I assent to no such doctrine.

I voted originally for the Lexington and Maysville road. I afterwards, whatever I might have thought at the time, approved the consequences of the veto; because I believe, of all bodies, we are the most inefficient to undertake works of internal improvement. The result would be different, indeed, if the work were national; but there is very great difficulty in determining what is and what is not a national work. Congress should not undertake to distribute the public money; for, in so doing, they only squander it. As to Kentucky, if she has not participated in these public benefits, she is, at least, no worse off than Pennsylvania.

A great many years ago, sir, more than I mean to tell, I travelled in Kentucky, and I returned with a most vivid impression of the hospitable kindness of her people, and of the miserable situation of her roads. I wished then, sir, that she might have had the benefit of a set of excellent and able men, by whose labors Pennsylvania has profited so much; but who, I am sorry to add, have been all swept away by the besom of reform.

Mr. **NILES** said a few words in favor of the bill, which, from the position of the reporter, could not be distinctly heard.

Mr. **BENTON** demanded the yeas and nays in every stage of the question; and they were ordered.

Mr. **CRITTENDEN** said that, when he had the honor, sixteen or seventeen years ago, to hold a seat in this body, this three or two per cent. fund was thrown into the market. Gentlemen then said, give it to us now: it will prove a very prolific sum. My humble aid was given; and I now see it as prolific and teeming as ever, in the opinion of some of the honorable gentlemen. They are not satisfied, and they never will be: this very fund will be just as valid in their eyes when one hundred millions are expended as now. Gentlemen are utterly unjust in charging any breach of faith upon the Government. The very words of their bargain will show them to be so. I have observed, too, sir, that they avoid general principles, as grounds upon which they cannot proceed. One argument used by those in favor of this appropriation is, that you increase the value of the public lands: why, sir, the Senator from Indiana, when his State pride is roused, tells us that the population is dense along the road—the lands, therefore, are sold. Kentucky has never been endowed in this way by Government. She has not sprung up under its patronage; nor ought she to be called on to vote an appropriation in which she is not to participate. Gentlemen go too far when they ask us to do so. We cannot get a dollar for our own State, and yet we are continually solicited to do something for others. The idea of any compact is entirely futile. The grant of this fund was a gift of the Government—a mere bounty. If gentlemen would view it in this light, he would do much more for them than at present he was inclined to do.

Mr. **DAVIS** said that if the proposition to postpone were put, he should vote for it, not from any feeling of hostility to the bill, but because the chairman of the committee had not laid on the table the proper estimates. It had been said that this information was laid before the Senate last year. He was not in the Senate at that time, and he had not had an opportunity of seeing these estimates; and he thought it could not be viewed as an unreasonable request if he asked for some little time to examine them. A good deal had been said on the subject, which was an interesting one to all; but he certainly must desire a further opportunity of obtaining information on the subject, and for that reason he would now move an adjournment.

The motion was agreed to,

And the Senate adjourned to Monday.

MONDAY, FEBRUARY 29.

RESIGNATION OF MR. TYLER.

The following letter was received, and laid before the Senate, by the Chair:

WASHINGTON, *February* 29, 1836.

SIR: I beg leave through you to inform the Senate that I have, on this day, resigned into the hands of the General Assembly of Virginia, for reasons fully made known to it, my seat in the Senate of the United States, as a Senator from that State. This annunciation is now made, so as to enable the Senate, at its earliest pleasure, to fill such vacancies in the several committees as may be created by my resignation.

In taking leave of the body over which you preside, I should be faithless to the feelings of my heart if I did not frankly confess that I do so with no ordinary emotions. I look to the body itself as the representative of those federative principles of our system, to preserve which unimpaired has been the unceasing object of my public life. I separate from many with whom I have been associated for years, and part with friends whose recollection I shall cherish to the close of my life. These are sacrifices which it gives me pain to make. Be pleased to assure the Senate that I carry with me, into retirement, sentiments of respect towards its members; and that, in bidding them adieu, I extend to each and all my best wishes for their health, happiness, and long life.

I have the honor to be, sir, your most obedient servant,
JOHN TYLER.

Hon. Mr. VAN BUREN.

ABOLITION OF SLAVERY.

The Senate proceeded to consider the petition of the Friends assembled at Philadelphia, praying for the abolition of slavery in the District of Columbia.

Mr. **BLACK**, who was entitled to the floor, being unprepared to speak on the subject to-day, it was suggested by Mr. **WEBSTER** that the subject should lie over until to-morrow; but the sense of the Senate being in favor of proceeding with the discussion,

Mr. **WALL** rose and said: Mr. President, I had hoped that the community of object so strongly and decidedly professed by all who have mingled in this debate would have resulted in some measure acceptable to all, to disarm this question of its excitability, and to relieve the business of the public from its paralyzing effects. I had hoped that some measure, conceived in that noble and fearless spirit of patriotism which in another place, that I am not permitted to mention, has added new honors to a name so illustrious for all that can adorn the chivalry of the soldier and the patriotism of the citizen—a name connected with the most trying and the most glorious periods of our common history, and of the State which gave him birth—would have conducted the dangerous electricity, with which the dark and threatening cloud of abolition incendiarism is supposed to be charged, harmless to the earth.

I have been disappointed. The honorable Senator who made the motion to reject the petition presented by the honorable Senator from Pennsylvania has avowed that he feels it his duty not only to persist in that motion, but should feel it to be his high and imperious duty to demand the question of admission on the reception of every other petition of a similar character; and I feel that my duty will not permit me longer to remain silent.

Sir, the question raised by that motion is a constitutional question of deep and abiding interest, which comes home to the sensibilities of the whole American people, and, like all constitutional questions, ought to be approached free from all adventitious excitement.

Let me premise, Mr. President, that the petition which you are now called upon to reject does not come from the great laboratory of abolition incendiarism. It does not spring from the heated atmosphere produced by the contention of men struggling for political power; nor does it come from men who, under pretence of conscience, cloak worldly, selfish, or unholy designs. But, sir, it comes from a source which, on this floor, and every where else where the doctrines of the civil and religious liberties of man are maintained, cherished, and supported, is entitled to be heard with respect. It comes from the Caln Quarterly Meeting of the Society of Friends.

Although not my immediate constituents, I have the pleasure of knowing some of the very respectable citizens who compose that quarter; and I feel bound, from that knowledge, to say that they are neither fanatics in religion nor politics; and that they seek not to destroy the constitution, or endanger the peace and permanency of the Union. They are what they profess, members of the religious Society of Friends. A society adopting the pure and simple doctrines of the gospel proclaimed by the angel herald of the advent of our Saviour, "peace on earth and good will to man," have emphatically taken as their rule of conduct the doctrines which he taught—"Do unto others as you would they should do unto you," and "love your neighbor as yourself." These, as well as the other fundamental principles which characterize them, they maintain, not by contention or force, but by bearing what they call their testimony against such acts as they, in their conscience, believe subversive of their golden rules of action.

Theirs is no pharisaical faith, which impiously invokes the judgment of Heaven upon the sins of others, while vaunting their own superior goodness and virtue. They address not the passions or the feelings of interest or avarice, but the common sense, the wisdom, and justice of man. Their only weapons are the calm, mild, and dispassionate voice of reason, and they conquer, if they conquer at all, by submission and endurance.

Mr. President, these petitioners are not only attached to the Union, but to the principles of our constitution. And well they may be, for their own system of discipline, which dates back long anterior to that constitution, not only contains the same general principles of civil and religious liberty, but in the most remarkable degree shadows forth the same system of government, afterwards so admirably developed and expanded in the State and federal relations of that instrument.

And what is it that these petitioners have done, which should bring down upon them the fiery indignation of the honorable gentleman from South Carolina, and exclude them from the right of being heard in this hall? They have prayed Congress to exercise what they conceive to be their constitutional right over the territory of the District of Columbia, in respect to the abolition of slavery and the selling of slaves in that District. Admit that they are mistaken; admit that Congress have no constitutional right over slavery in this District, or the exercise of the right of slavery in this District; admit that they understand the constitution differently from the honorable Senator from South Carolina, or even from this Senate; yet I believe it is not a crime in any but one man to construe the constitution as he understands it. If they are mistaken in their views, it belongs to us to determine, and our rights and our duties begin where those of the petitioners ends. Speak to them in the language of courtesy and of reason, and they will submit, although they might think themselves bound in conscience to bear testimony against the evils of slavery, as they do against the evils of war, and many other things which the laws of society recognise. Speak to them as citizens of a common country; satisfy them that it is inexpedient to grant their petition; that it would endanger the integrity of the Union, the peace, the lives, and the liberties of our fellow-citizens; that it would scatter rapine, murder, and desolation, over the fairest portion of the Union, and they would forbear. They are for peace and happiness, not blood and rapine. They would leave it to the providence of God in his own good time to work out the remedy for evils which would be aggravated by the rash and inconsiderate and officious movements of human actions. Tell them, sir, that one of the pillars of the most glorious temple of liberty which human wisdom has ever erected is based upon slavery; that you cannot remove that foundation without destroying the whole edifice, and they will be satisfied. Their humanity is not of that reckless character that it will wade to its object through rivers of blood, and amid the fallen fragments of an empire.

Mr. President, I must be allowed to say that I was surprised when I heard the honorable Senator from South Carolina make his motion to reject this petition. I had heard this body called the last refuge of liberty—the defenders of the constitution—the champions of the liberties of the people against the attacks and assaults of power. Is it wise, then, if they are engaged in such a holy struggle against executive power, in defence of the constitution, to separate themselves from the sympathies of the people? Is the liberty for which we are contending the liberty of letting the people hear our voices?

Mr. President, there are other liberties belonging to the people, which they at least value as dearly as the liberty of hearing our voices. Among these, not the least is the liberty of making themselves heard within these walls—of making us hear their voices. There are but two modes of doing this: one is by petition, which comes to us in the mild and gentle voice of supplication; the other by instruction, which grates upon our ears in the harsh and imperative accents of command. Sir, whether obedience to the latter is to be expunged from the list of senatorial duties, may hereafter be determined; but if we reject the right of supplication, if we abridge the right of the people to petition, it is hazarding nothing to predict that we shall spurn and scorn the commands of the people; the step from one to the other is not only easy but natural.

Mr. President, I have examined this question with all the care and deliberation that I am capable of exercising, and I feel bound to declare my deliberate judgment that you cannot reject this petition without violating the constitution which you are all sworn to support.

I beg you, Mr. President, to look at the petition; it is couched in respectful language to this body, and to every body else. It does not assert the existence of slavery or the selling of slaves any where, or invoke the action of Congress any where, but in the District of Columbia; and that action is to be regulated by the constitution. I beg the honorable Senator from South Carolina to review the petition, and to withdraw his charge that it traduces and vilifies the conduct of the institutions of the State which he so ably represents. I ask where, how, and in what part, letter, or sentence of the petition, does he find the evidence to support this charge?

Sir, it is not the habit of the society to which these petitioners belong thus to act. They speak of the evils of slavery, and of the selling of slaves, in the abstract and impersonally. I trust, sir, that we have not yet reached the excited susceptibility of the followers of the Montagues, and the Capulets, when the simple interrogatory, "Do you bite your thumb at us?" could provoke riot, blood, murder, and suicide.

Mr. President, you have no right, no constitutional right, to reject a petition, but for disrespectful language; and even the language must be understood in its mildest sense. The disrespectful language must be so gross as to show that it is not the exercise of the right of petition. In that case, sir, the power of rejection flows not from the constitution, but the inherent primary right which belongs to all representative, deliberative bodies to protect themselves from insult and contempt. If, sir, the language of this petition is disrespectful, it must be because it speaks of slavery and the slave trade, in the abstract, as evils. So decide, and this Senate will cut out for itself new matter for the expunging process. It will not be their own acts, over which they have a control, but it will be the acts and labors of the wise and the good of all ages--of the patriots and statesmen of our whole country. You must begin with the declaration of independence—the labors of the sages of the Revolution--the works of Mr. Jefferson--the library which you bought of him--and the whole library of Congress--and finish with the proceedings of Congress itself.

Mr. President, the right of petition is not derived from the constitution. It existed anterior to it. It is a primary, inherent, absolute, and essential right, which belongs to representative government. Its origin, its progress, and its history, is the history of the struggles, the overthrow, and the triumphs of the people. It is the political barometer which marks the state of the atmosphere of liberty in every age.

Sir, in the deduction of our title to that rich inheritance of Anglo-Saxon liberty, called the folk law, an inheritance which our ancestors brought with them on the first settlement of this country, we find that whenever the real bonafide issue of liberty against power was tried, the right of petition stands forth as one of the most important and essential muniments of liberty, from the first trial at Runny Mead to the final decision by the revolution of 1688, when the right of the people to self-government was finally established. Sir, on this side of the Atlantic it has been consecrated by the blood of our revolutionary sires, and is written in the history of our struggle for freedom.

When the constitution was formed, the right of petition was held by the people in fee simple, without tender of service to any superior lord, in absolute sovereignty. It was then, and is now, one of the great prerogatives of the people—an attribute of the sovereignty of the people; and, like all prerogatives which spring from sovereignty, unalienable and indestructible. Sir, it is a great trust, held by the people themselves, for the preservation and maintenance of the liberties of mankind. It could not be granted; and on the adoption of the constitution it was not granted, but remained among the vast mass of the reserved rights of the People.

But, Mr. President, so important and essential to the preservation of liberty did the people consider the right of petition, that they were not content to let it remain as a mere reserved right of the people. The statesmen of those days were deeply imbued with the great principles of popular liberty, and thoroughly acquainted with its history in all ages. Especially they were acquainted with the principles of the English law. *Extra Parliamentum, nulla petitio est grata licet necessaria: in Parliamento, nulla petitio est ingrata, si necessaria,* is the old-fashioned whig maxim of Lord Coke. They knew that in the third year of the reign of the first Charles, when the arbitrary conduct of the Tudor and Stuart dynasties had made it necessary for the people to recur to first principles, as if to render the right of petition and the primary rights of man one and indivisible, and to consecrate them as the great monuments of civil liberty, the petition which recited the principles of Magna Charta, with the acknowledgment of the King of their truth, was solemnly enrolled among the rolls of Parliament; and afterwards, in the thirteenth year of the same reign, was enacted into a statute.

They knew that, notwithstanding that solemn confirmation, in the 22d year of Charles II, the right of petition was abridged, by excluding matters of state and religion from the subject-matter of petition, unless sanctioned by the magistracy, and even then, if it was signed by more than twenty persons, or presented by more than ten. They knew that, by the glorious revolution 1688—glorious because it was the first where the right of the sovereignty of the people to confer power was made the foundation of Government—the right of petition was restored to its pristine freedom by the bill of rights.

They knew that, notwithstanding all this, Lord Mansfield had then recently, on the celebrated trial of Lord George Gordon, by judicial legislation, done what no Parliament of Great Britain would have dared to have done--abrogated the clause of the bill of rights which repealed the statute of 32 Charles II, and re-enacted that statute abridging the right of petition. They knew, sir, that, in the English law, the right of peaceably assembling, and the right of petitioning for the redress of grievances, were held only subordinate to the primary rights of life, liberty, and property, but the necessary and indispensable auxiliaries to them.

Hence, sir, the first amendment to the constitution declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." By this amendment the people did not grant to Congress any right to intermeddle with the right of petition. They did not grant any of their reserved rights; but they meant "to make assurance doubly sure, and take a bond of fate," to take away from Congress all power whatever over the right of petition. Mark the language: "Congress shall make no law prohibiting or abridging," &c. It seems to have been drawn in express reference to the decision of Lord Mansfield in Lord George Gordon's case, and to the statute 32 Charles II, which abridged the right of petition, and which was resuscitated by that decision. It withdraws from Congress all right of interference with the right of petition in any form or in any shape whatever; and if it be true, as is stated by the honorable Senator from South Carolina, in a recent report submitted to this House, that the celebrated report of Mr. Madison to the Virginia Legislature in 1799, conclusively settled that Congress has no right, in any form or in any manner, to interfere with the freedom of the press; and the violation of that principle, in the enactment of the sedition act, was the leading cause of the civil revolution of 1801. If this be so, sir, how can a distinction be drawn between the right of Congress to abridge the freedom of the press and the freedom of petition? They are alike protected by the same clause of the constitution, and by the same language placed within congressional action. If this be so, sir, the people themselves have settled the construction of this clause irreversibly.

How, Mr. President, then, can we deny the right of petition without violating the constitution, without a gross usurpation of a power not only not granted to us, but withheld from us in clear, plain, and unequivocal language?

We cannot make any law, we cannot legislate at all, as to the right of petition; we cannot, calling to our aid all the powers of the House of Representatives and the Executive also, the whole powers of legislation, abridge, in any form or shape, the right of petition. Can we do it by rule? No, sir, surely not. We cannot do indirectly what we cannot do directly. But, sir, the Senate have done no such thing. Their rules have been drawn by sound constitutional lawyers. Page forty-eight, section twenty-four, rules of the Senate, declares: "Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."

The rules, then, simply regulate the mode of the introduction of a petition. They go no further; they could not go further by the constitution, or without violating it. They make no question of the reception of petitions. The rejection of a petition for abuse or contempt is an anomaly, and must furnish its own rule.

Sir, how is the rejection of this petition attempted to be justified? It is by the *lex parliamentaria*, the law of Parliament. Now, it is clear that this rule respecting the reception of a petition, founded on the law of Parliament, has never been adopted, and could not be adopted, by the Senate. It is hostile to the principles of that constitution under which they hold their seats. It is adopted for another meridian; a meridian where the right of petition has been abridged by act of Parliament, by judicial decisions, usurping legislative powers; where it has been pared down to the size of parliamentary discretion. Here, sir, it is too mighty, too large, for senatorial power, much less for senatorial discretion, to grasp; and can it be seriously contended that it can be abridged by the parliamentary law of England, borrowed or not borrowed, adopted or not adopted, naturalized or not naturalized? No, sir, no. The position cannot be maintained. Such a doctrine assumes for its basis that the Senate may violate the constitution with impunity, under the shield of the rule of the British Parliament, wholly inconsistent with, and subversive of, the principles of that constitution.

But, sir, it has been said that the right of petition is limited to grievances which personally affect the petitioners. Sir, this doctrine sounds strangely to my ears. It is not the doctrine of the Revolution; and it is there that the people of the United States have learned their lessons of that right. It is not the doctrine of our ancestors. It is not the doctrine of liberty. It is not the doctrine of our constitution. Sir, as respects the Union, the Government is a unit. That great mass of human liberty which reposes in safety under the protection of our constitution is composed of the rights and liberties, the prosperity and adversity, the weal and the wo, of each citizen and each section of our wide-extended empire. Sir, the sympathy between the members of the natural body is not more direct and immediate than that between all the members of this great republic. Touch the right, the interest, or the liberties, of the humblest citizen of this great republic, no matter where his lot may be cast, and the pulsation is felt in every part. Raise but the cry of oppression in the remotest prairie of Missouri, or the rudest dell of the Alleghanies, and the cry is echoed and re-echoed, ay, sir, and felt too, in every street and in every alley of every city and town, in every valley and upon every hill top and mountain of the extended limits of the Union. We are bonded together for common weal and common wo. It is this which breathes the Promethean fire of liberty into the cold and chiselled forms of republican government. Sir, the grievance of one is the grievance of all. So thought, so felt, so acted, the gallant sires of the constituents of the honorable Senator, in the darkest and most fearful period of the Revolution, before compact had added new obligations to the sacred ties of a common ancestry, kindred, and institutions. The cry of oppression raised in Faneuil Hall pealed over the whole South; and petition for redress of grievances, grievances which fell first upon the cradle of liberty only, beseiged the English Parliament from all quarters of the good old thirteen States. The true doctrine upon this subject is written in the history of the Revolution in characters of blood; of the blood of our sires in the East and West, the North and the South. The right of petition for the redress of grievances is as broad and expansive as the right of the citizen, and circumscribed only by the limits of the Union. It can be abridged only by those limits. The people must be, and are, the judges of what is or is not a grievance.

Another objection has been made to the reception of this petition, that it prays what the Congress cannot constitutionally grant. Admit it. What then? Is that a cause for rejecting the petition? Does the gentleman forget the principles which lie at the foundation of our institutions, of our Revolution: that government was instituted by the people and for their benefit, and that they may remodel it when they see proper? Does he forget the doctrines of the declaration of independence? Does he forget the provision of the constitution which expressly provides for amendments? But, sir, has the question as to the constitutional power of Congress over slavery and the treatment of slaves in the District of Columbia been settled? when? where? how? Is it not a question at least so open that a difference of opinion may be entertained? And if so, sir, (and I do not mean myself now to express any opinion on the subject,) is it a ground for rejecting a petition? It may be good ground for rejecting the prayer of a petition, that it asks what we have no power to grant. But we must receive it, understand it, examine it, to judge. We must receive it in order to enable us to discharge our duties. We must not forget that it is our duty to sustain the rights of the people; that in this hall the relation between us and the people is, on the side of the people, rights; and on our side, duties.

Sir, where will this doctrine carry the honorable Senator? The Legislatures of some States have instructed their Senators to vote in favor of what are called the expunging resolutions. I believe, sir, that some people have imagined that the resolutions are unconstitutional. Are they to be rejected? Is a sovereign State to be rejected at the threshold, on this ground? I warn gentlemen that this is a subject upon which the people know their rights, and, knowing, dare maintain them; that they will not be paltered with in a double sense. I warn gentlemen that this is a subject upon which no metaphysical ingenuity can perplex them.

Sir, the people will never consent to wait at your door as suppliants, or as masters, until they have been taught the mode of making a graceful bow, or the precise language which will suit our courtly ears.

Mr. President, it is said, and said truly, that we ought to beware how we suffer our feelings to be our counsellors, where the judgment ought only to act. It will not do for us to turn from the propriety of our own course, by either zeal or imaginary danger. Great principles are always immutable, and cannot be made to bend to circumstances.

Sir, we all, North and South, abhor abolitition incendiarism. But what is it? Is it the attempt to deceive honest men into the belief that their duties as freemen, as Christians, as human beings, compel them to violate the sacred compact of their ancestors; to destroy that constitution which binds us in the golden chain of the Union; to array brother against brother, and to put the dagger and the torch into the hands of infuriated madmen, to destroy the lives and property of our brethren? It is a negro-and-slave philanthropy, which rejects and spurns all humanity and consideration for the whites and the masters. It is crimsoning the religion of peace with the blood of our fellow-men. It is setting fire to the whole edifice, in order to purify it from the stain of a single spot. This, sir, is monomaniaism—it is fanaticism. How, sir, can this be put down? By persecution? No, sir. It is its life-blood, its aliment. Sir, the only way of putting down fanaticism is by infamy or ridicule. The history of fanaticism in all ages, and in all countries, teaches us this lesson.

Sir, why is abolition incendiarism to be put down by infamy? Because it seeks, directly or indirectly, to violate the solemn compact of our ancestors; to dissolve our happy Union; and, under a false and frenzied notion of humanity, to involve our fellow-citizens in the horrors of rapine, murder, and a servile war. Such is what renders abolition incendiarism infamous in the non-slaveholding States. There, sir, it has looked into the pure and clear reflection of public opinion, seen its own gorgon features, and been turned into stone. That public opinion is not the light which corruscates from the heat of excitement, dazzling but to blind, but the steady and glorious light of the common sense of the wise and good: of that common sense which God, in his infinite mercy, has imparted to all his creatures in his own image, as the ethereal element of man, and, like the natural elements, common to all. It is that voice of the people which justifies the maxim, *Vox Populi, Vox Dei*, which has spoken in the North, and abolition incendiarism has been annihilated.

I can assure the honorable Senator from North Carolina that, in the State I have the honor in part to represent, I know no one abolition incendiary; I have never known one, however desirous many citizens may be to see the abolition of slavery. No one there would dare to avow that, to accomplish it, he would dissolve, or even put at hazard, the Union, and the peace and security of our southern brethren.

The danger, Mr. President, at present, is not from the abolitionists, but from agitation and excitement. We have heard the voice of the great agitator of Europe pealing across the Atlantic, and proclaiming, at once, the watchword and the rule of action for his colaborers—agitation, agitation. Will we not aid in this, if we teach the people to believe that the religion of our constitution requires the sacrifice of any of the children of liberty upon its altars?—that the right of petition, of the liberty of speech, and of the press, is inconsistent with, and must be made to yield, to preserve other constitutional rights? Sir, the bones of abolition incendiarism now lie bleaching upon the desolate heaths where they have been driven by public infamy. They are harmless; but if you collect those bones, and fire them, either for sport of warmth, a spirit may arise with the powers of vitality and of procreation.

Mr. President, in advocating the right of petition, I wish not to be misunderstood. When the petition is received, and the right of the people has been vindicated, I shall be prepared to discharge my duty. That duty, under all the obligations which surround me, will compel me to adopt only such measures as will ensure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, not according to new and untried experiments, but the plain dictates of the constitution. I say this duty, as I understand it, will lead me to reject the prayer of the petition.

Mr. BLACK said that, not having expected that the debate on the subject would be called up to-day, he had not come prepared to address the Senate; but, as it appeared to be the desire of the Senate to bring the question to a vote to-day, he would proceed to make a few suggestions. I feel, sir, said he, an utter repugnance to entering on the discussion of this question; and my position alone forces me into it, rather to show to those whose interest it is my duty to guard, and who feel such an all-pervading concern on all points touching so great, and, to them, all-important interest, that I have not been wanting in attention to this subject, than with a hope, after so able a debate, that I shall be able to urge any new consideration upon the attention of the Senate. As to a discussion on the propriety of slavery, either actual or abstract, it is one into which I will neither now, nor at any other time, enter; no consideration can force me into it. My constituents, (said Mr. B.,) whatever may be their confidence in their representatives, never have delegated to them an authority to debate or determine this matter. They consider it as settled and closed, never to be open to discussion or decision either by this or any other Congress, however enlightened. Their rights in this respect rest on no other foundation than the constitution itself—the same law which gave to this Senate a being, and by virtue of which they are now assembled.

Mr. President, (said Mr. B.,) it is my purpose to make a few remarks on some points connected collaterally with this question; and, in so doing, in order to be as brief as possible, after the lengthy discussion to which this and other similar petitions have given rise, I will content myself, under present circumstances, with giving merely the reasons for the vote I feel bound to give.

In this debate, while I must say that many remarks have been made by Senators who have favored the Senate with their views, which I would be glad had been omitted, there is a coincidence of opinion of all (unless it may be inferred from what was said by the Senator from Ohio [Mr. MORRIS] that he forms an exception) that Congress cannot with any propriety, regarding the interest of the people of this District, whose local Legislature they are, and the welfare and safety of the Union, legislate to effect any of the objects which these petitioners ask, even in the District of Columbia. This being settled, the only question is, in what way is it most expedient and proper to dispose of such petitions?

The two propositions presented for the consideration of the Senate are, first, shall the petition be rejected? secondly, shall the petition be received, and the prayer rejected?

I am, said Mr. B., clearly in favor of the first of these propositions, as the most direct and unequivocal expression of opinion against these petitioners the Senate can give; and, if that shall fail, I will vote for the other, as the second in point of strength. I would most strenuously insist on the first course being taken, but for the fact that several southern Senators [Messrs. King of Alabama, and King of Georgia] who have addressed the Senate, are averse to it, and several from the non-slaveholding States, whose opinions are altogether with us, have constitutional scruples. I consider this diversity of opinion at this time particularly unfortunate, more especially as respects the southern delegation; and if this were a matter of ordinary importance, or, important as it is, if, as heretofore, these petitions were presented by the Society of Friends, (a class for whose virtues all entertain the highest possible respect,) rather for the purpose of avowing their opinions than with a wish that any action of Congress should take place, I, for one, would concede a point, and yield my opinion to meet the views of others; but there are other coadjutors, more formidable in numbers, more dangerous in their views and intentions, and, I must add, showing little scruples as to the means they shall use; and it is also to be considered that while we are debating this question, there is in the South a heretofore unknown excitement. Influenced by these considerations, I have found it impossible to yield a single point by way of concession in deference to the opinions of others; and, notwithstanding all I have heard about the danger of a false issue being made by involving the right of petition, being confounded in the minds of the people of the non-slaveholding States with the already too perplexing question of "abolition," I cannot be deterred from my course for fear of consequences which do not and ought not legitimately to follow.

I have said (continued Mr. B.) already that I consider a refusal to receive these abolition petitions as the most direct way of meeting and negativing them. I will elucidate this idea by a reference to the ordinary proceeding on a bill. It is the undoubted right of every member of the Senate to propose by a bill such provisions as he may think promotive of the common weal. The ordinary course, we know, is to test the merits of a proposition of this sort on the question of engrossment for a third reading, when each member determines for himself the propriety of the act or the shape proposed. But if the Senate should think the enactment improper in any shape whatever, a motion may be made to reject the bill after the first reading. If the Senate should be averse to the proposition in the manner proposed, or in any shape which amendments could give to it, and should also think it improper to permit the question to be agitated, they would refuse leave to introduce it; in which case the Senate would not have possession of the bill, nor the member asking leave part with it. I consider the refusal to receive these petitions as comparing with a refusal to grant leave to bring in a bill, and the second proposition, made by the Senator from Pennsylvania, [Mr. Buchanan,] to reject, immediately after receiving, the prayer which they contain, as comparing with a motion to reject a bill after the first reading.

If a member of the Senate should rise here now, and ask leave to introduce a bill to meet the views of these petitioners, what course ought to be taken? I am fully persuaded that the Senate would refuse. Suppose the matter had proceeded to the "authoritative command," to which the Senator from New Jersey [Mr. Wall] alluded, and the Senator was even instructed by a Legislature of a State to offer it, would the Senate be bound to grant leave? I think we ought not, and would not. If the Senate would not entertain this proposition when offered in pursuance of instructions from a State Legislature, it is something singular if they shall be bound to do so when presented by a few individuals of a State, because they choose to adopt the form of a petition. It is upon this consideration that I am not in favor of receiving these petitions, and not that I entertain the opinion intimated by the Senator from South Carolina, [Mr. Calhoun,] that reception gives jurisdiction over the subject.

To ascertain the subject-matters upon which we may act, we must look to the constitution of the United States. I know that precedents are sometimes resorted to to ascertain the opinions of former Congresses as to the proper construction of the constitution. These, I do not hesitate to say, do carry us, in some instances, beyond our proper and legitimate sphere. These are bad enough, and ought not to be implicitly relied on; but to resort to petitions on file would be still worse. If that were done, even in this case, we should find ourselves already entertaining jurisdiction; for there are many such petitions on our files, from the establishment of the Government.

Mr. President, it is thought by some we are precluded from taking this strong ground, and meeting these petitions *in limine*, by a provision of the constitution of the United States, found among the amendments, article 1st, in these words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances."

There appears to be some difference of opinion, among Senators who have preceded me, as to the proper limit of the right of petition. While the Senator from New Jersey on my right [Mr. Wall] admits that the petition should be respectful in language to the body to whom it is addressed, in defining its objects, he says, "it should be as broad as the constitution itself." The Senator from Georgia [Mr. King] is willing to admit no exception whatever, either as to language or object. I say none; for, after disclosing that he would vote to receive a petition requesting Congress to abolish slavery in the State of Georgia, I know of no stronger case which could be put. The opinion of the Senate is manifested in the rejection of petitions for disrespectful language, appears to be in accordance with that expressed by the Senator from New Jersey, [Mr. Wall,] that it is not their duty to receive petitions containing abuse of themselves, when it appears that the form of petition has been assumed for the purpose of slandering and abusing them as a body, or individuals composing it. Upon the second branch, no case has happened in which the reception of a petition has been resisted, requesting Congress to do an unconstitutional act. That such petitions may be presented, is easy to imagine; and that these now presented are so, I, for one, have no doubt. Am I, and those who think with me on this point, bound by this provision of the constitution to receive these petitions, by the force of this provision? On a careful examination of it, I think not. The citizens of the United States have a right peaceably to assemble and petition the Government—for what? For a redress of grievances. But are the two Houses of Congress bound to receive and consider complaints on subjects wholly beyond their control, and palpably not within their delegated powers, by whatever exciting circumstances they may be attended, and however much they may endanger the peace and repose and safety of another portion of this widely extended community? Suppose petitioners, choosing to consider themselves aggrieved for the want of an established religion, should request Congress to make a law "respecting an establishment of religion," which Congress is prohibited to do in the first clause of this very amendment, would that be a grievance which

Congress could redress? Or suppose they should petition Congress to change the form of the Government itself from a republic to an elective or hereditary monarchy, could you grant redress? Would the subject of complaint be a grievance? Why, would we entertain them, consider of them? No, I say, reject instantly.

These grievances must be their own, not those of others. In what way conceivable are these petitioners, inhabitants of Pennsylvania, interested in the question what property the inhabitants of other States or Districts or Territories shall hold, or in the conditions and restrictions upon which they shall hold it? About as much as they are in the affairs of the people of India; and if they should take it into their heads to think their barbarity and ignorance of Christianity a grievance, they could, with as much propriety, send us a petition to fit up, with the funds of the Government, a missionary establishment, as they can interfere in the matters to which these petitions relate. Sir, I say, then, that the holding of slaves by the inhabitants of the District of Columbia is a matter of no grievance to the citizens of non-slaveholding States, in the legal sense of that word; and if it could, by construction, be so considered, it is one which Congress cannot, by any possibility, redress. I am willing to adopt the definition of the right of petition advanced by the Senator from New Jersey, [Mr. WALL,] "that it is as broad as the constitution," if it is not to be made broader. The Senator from New Jersey, [Mr. WALL,] in searching to find some ground upon which to rest this complaint of grievance, has said that "the grievance of one American citizen is a grievance to all, and that all may complain of it," but then presupposes that this one citizen considers the matter complained of as a grievance. If this petition came in aid of one presented by those owning slaves here, this argument would be fair; but, so far from that being the case, the reverse is known to be true. Sir, suppose certain citizens, having no property at all, should represent that other citizens had large fortunes, and request an agrarian law by which all would be made equal—would the gentleman tell us that the "grievance of one citizen is that of another," and therefore it would not be a groundless complaint? Wait, sir, until those who have property think fit to consider its possession a grievance, and request to be relieved from it. The two cases are similar in every respect, except that these petitioners do not desire to be benefited by the dispossessing of the inhabitants of this District of their property.

Mr. President, if we are not bound to listen to grievances when Congress has no power to redress them, as I think we are not, this question should be settled with reference to the right of Congress to interfere in the question of slavery. We derive our power and jurisdiction over the District of Columbia, first, from the constitution of the United States, and, secondly, from the acts of cession by Virginia and Maryland. From the constitution of the United States we derive those general powers which Congress may exercise over the District, in common with all the country embraced within the territorial limits of the Union. By the acts of cession, Congress is subrogated, as the local Legislature of the District, to all the powers possessed by the respective Legislatures making these cessions, with such limitations as they have made. If there were not a single word said in the constitution of the United States on the subject of slavery, I think it would be easy to show, from the very nature of the power itself, that it does, and must necessarily rest exclusively with the Legislatures of the respective States. Congress has no power to say who shall and who shall not be held to service; whether that service is a qualified or an unqualified service; whether it is general as to time, or limited. Could Congress interfere with the laws of apprenticeship common to all the States, by which persons are held to service for a limited time; or when liberty is taken away for acts committed, as under the vagrant laws of some of the States, can Congress contravene these laws? But it is not necessary to advert to these general principles, for the question is settled and fixed by the constitution. The third clause of the second section, article fourth, expressly provides that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered, upon claim of the party to whom such service or labor may be due." There it is expressly reserved to the State Legislatures to say where service may be due. If this provision had not been inserted, so far as respects the powers of the general Government, the same conclusions would have resulted from the construction of the first clause of section ninth, article first, made irrevocable by article fifth, in which power is given to Congress to prohibit the introduction of such persons as the States then existing thought proper to admit in the year 1808; which power Congress has exercised, by prohibiting the further introduction of slaves in the United States, under the severest penalty. The general Government being one of limited powers, whenever a power of a particular subject is granted to a certain extent, it cannot be exercised beyond the limit prescribed, and the idea of its being general is precluded. Congress had, by this provision, power to prohibit the further introduction of slaves in 1808, and, by consequence, no other power over the subject.

The idea of any other power is also negatived by representation being, to a certain extent, based upon this description of people; we look in vain for any other power than the one alluded to in the constitution of the United States; we are obliged to look for it in the acts of cession of Virginia and Maryland. The Senator from Virginia [Mr. LEIGH] has shown, in a very able argument, which I should only weaken by repetition, that the Legislature of Virginia had not themselves, by the constitution of that State, the power of abolishing slavery. Their powers are also limited by constitutional law. No such power was delegated to them by the people; the Legislature being restrained from interfering with property in the same manner that Congress is. How is it, then, possible for the Legislature of that State, by any act of cession, or any other act, to clothe Congress with more power than they possessed themselves? The people of the District of Columbia, being parts of two States, did not, by the constitution of the United States, empower Congress to abolish slavery within the States of which they formed part, nor did they empower the State Legislatures to do it. How is it, then, that they have not this portion of power, never given up; and how is it Congress has got it? Mr. President, (said Mr. B.,) if it were even admitted that Congress has any general power over the subject, (which has not been ever contended for upon this floor,) I think we would find, on an examination of the acts of cession, particularly that of Virginia, that, so far from authorizing Congress to abolish slavery in this District, they are expressly restrained. They are expressly required to protect "all the rights of the citizens therein"—rights, as I presume they then were, and this right of property was one. It would be a flagrant breach of this act of cession, as well as of trust, should Congress ever consent to adopt the measure which these petitioners ask. Can slaves be taken, as suggested, for "public use?" No; the public, as such, have no use for them; and the general funds of the Government, intrusted by the people to our care, cannot be used for the purpose of purchasing them for liberation. For these reasons, and many more which might be urged, (said Mr. B.,) I am of opinion we have no power over this subject, and that we cannot redress these, which the petitioners choose to call grievances. Disposed as I am at all times to treat those who come here to petition with the utmost respect and kindness, I might, although it cannot be considered as a matter of strict right, be willing to receive these petitions; but, sir, the excitement which prevails on this subject in the State from which I come, in common with all the South, whose peace and security are threatened by these proceedings, compels me to resist them at every step and in every stage. Are these petitioners such as are entitled to peculiar grace and favor in the eyes of the Senate? Who are they? They are those who, overlooking the ameliorations which might be made in the condition of those immediately around them, give wings to their charity, and seek to interfere in the affairs of others. Sir, I do not allude particularly to the Society of Friends, who have annually, from the formation of the Government, sent to Congress such a document rather in the nature of a continual claim, and to declare their opinion upon the subject, than with any wish or expectation that their views will be adopted; but it is to the abolitionists, who came in as auxiliaries, with respect to some of whom I do not entertain the same favorable opinion. Sir, I do not intend to follow the course some have taken, of denouncing, *en masse*, this class of people at the North as fanatical, or hypocritical, or diabolical. Some there are among them, I have no doubt, who are agitators for the love of mischief, and who would be willing to involve the whole South in one scene of civil commotion, rather than desist from these schemes, which alone gives them importance. This class, actuated by a depraved ambition, without regard to consequences, however awful, prefer to be distinguished by being the instigators of crime, rather than remain in that obscurity to which nature has destined them. To these I have not one word to say; they are joined to their iniquities, let them go; but to those who are willing to reflect for themselves, and who have been misled in associating with others unworthy, by mistaken ideas of philanthropy, (and I hope this class is numerous,) I would suggest a few considerations. They all admit that they have legally no right to act upon the subject of slavery in other States; neither Congress nor the State Governments can touch this subject. Is there not an impropriety in your interfering in the affairs of others, by numerous voluntary associations, by raising large sums of money, with which you have legally no right to intermeddle? Do you suppose yourselves capable of suggesting considerations upon the subject which have not occurred to the minds of those who have been accustomed to slavery all their lives, and have made it the constant theme of reflection and study? Do you suppose that, among the countrymen of Washington, Jefferson, Madison, Monroe, Henry, Marshall, and of Lowndes, there are not men who have equal sagacity with yourselves, and who are ready to do every thing, even to the sacrifice of their lives, to effect any object which would promote their country's prosperity and happiness? Is there not a manifest indelicacy in doing so? Do you think that you could be induced to alter the legislative and constitutional institutions of your own States on the dictation of others, who are not residents of your States, whose interests are in no way affected by such change? If arguments to show you the impolicy or impropriety of the political institutions of your own States should fail to induce you to change them, do you suppose they would become more convincing if to argument they should add the grossest abuse? If you should discover those interfering with your affairs, heaping the most degrading epithets upon you which the language furnishes, forming associations to force you to do unwillingly what you would not assent to willingly, would it not have a tendency to steel the mind against the force even of truth itself? Do you suppose the publication of pictorial representations and pamphlets, fabricating the grossest misrepresentations, libelling the whole South, calculated to produce any other feeling than exasperation? It is for such trash as this that they levy contributions on you, which you are induced to furnish from feelings of (I must say) mistaken philanthropy. Acknowledging there is no legal right to interfere with the subject of slavery in the South, societies are formed, presess are established, papers and pamphlets are issued, pictorial representations are struck and circulated, almost entirely at the North, where slavery does not exist, under the pretext of elightening the South upon the subject. These papers do not circulate in the South. It is easy to foresee, if your pursue this plan, while the minds of the people of the North may be well affected towards the object you desire; that those of the South must become more and more against it. It has already had that effect. Slavery was fast disappearing from the most northern of the southern States. There was, in each of these States, a strong party inclined to hasten the period when it should become entirely extinct. They were using efforts to bring about that consummation. The effect of the abolition movement in the North has entirely silenced all these; no inducement could make them move in the matter. Another effect of these publications must be to estrange those feelings of kindness, and affection, and sympathy, which all portions of this republic should feel for each other. The main strength of the Government consists in this; destroy these feelings, and it will be worthless; indeed, it cannot long survive. The inevitable tendency of this course must be, whether you design it or not, to the formation of a political party, if any considerable number of the people of the northern States unite together upon these principles of anti-slavery. It is already assuming that aspect. The leaders are already beginning to throw off the mask. I see that a certain document, which is in a paper before me, issued by the head of the executive committee of the Abolition Society of New York, contains strictures on the late message of the Governor of the State, and on the constitution of the United States itself. The course which the Governor of that State has thought it his duty to pursue on this subject has called down upon him the particular displeasure of this person, and, I suppose, of the society he represents.

For his enlightened and liberal views upon the subject, he is threatened with political martyrdom, in the following language: "The time may not be far distant when the ghost of this message will haunt your dreams of popularity by day and by night, and show its spectral form astride every path of your future advancement." No avowal could be more distinct than this. The object of those who lead in this agitation is to drive from political stations all those who oppose their views, and, by consequence, to get those in who will favor them; that being achieved, they will be prepared to give law to their own party to act efficiently, by the enactment of laws to suit their views. What must be the result of this? Will the South submit? I say they will not. Their opinions are fully made up, and they have as one man taken their stand. I say, knowing fully the feelings of that part of the South from which I come, that the subject never can be touched except with the point of the sword. I state this, not as a threat, but as a true statement of public feeling. If any general move upon this subject should ever be made, my constituents are among those who will oppose to it all the physical power of the State, if it be attempted through the invidious efforts of emissaries; if they should be detected, there is no power upon earth that can rescue them from punishment. Mercy to him who shows it, is the rule; and he who lifts his own hand against the peace, the quiet, and security, of a whole community, must expect their hands to be raised against him. I warn you that another consequence must follow, of the most awful character, if these mad schemes take effect. The slaves of the South may be excited to rebellion; the lives of many women and children may, and probably would, be lost in the onset; but every one who knows any thing of the two races must know that it would end, and that quickly, in the entire destruction of the African race. The spectacle of slaves cutting the throats of their masters, mistresses, and their children, would be changed into one equally horrid—the masters seeing their faithful servants slaughtered in his presence, and unable to protect their lives against the attacks of an infuriated people in arms. Is this, then, true philanthropy either to the white or black race? These consequences, I believe, will as certainly follow as that I see through that window the light of day. If, after considering these results, too horrible to be enumerated, which must follow this mad interference of the abolitionists, you still determine to persist, go on, you will ultimately see, when too late, in the destruction of that race which you would assist, in the ruin and rapine and civil strife of the people of this Union, in the overthrow of this Union itself, the consummation of a mad, mistaken, and misdirected feeling of philanthropy.

Mr. President, I might here close my remarks, but for some observations which have fallen from Senators in the course of this debate, which I am sorry were not omitted. The Senator from Connecticut before me [Mr. NILES] told us that there is no use of avoiding this question; that we might as well meet it and discuss it at once; and at the same time he informs us that he considers slavery as "a moral and political evil." Sir, we have nothing to discuss as to our legal and political rights—all admit them; as to its political influence and bearing on the institutions of the slaveholding States, it is our own business, not his nor his constituents. We will discuss this question, if we please, among ourselves; but I trust the time is far distant when we shall think it proper to discuss this or any other question, touching our own rights, with those who have no interest with us. If there is any political evil in slavery, the evil is all upon ourselves; for I challenge that Senator, or any other Senator, to point out to me any spot on this globe where the African race is more happy, more contented, better supplied with every thing which makes life desirable, than in the southern and slaveholding States. As to it being morally an evil, by which I understand him to mean that it is demoralizing, I deny it entirely; and I refer for the truth of this assertion to the southern people themselves. In what country is there more of moral virtue or more of those high qualities of the mind, based on virtue, which command our respect and admiration? I say they compare, without disadvantage, with the people of any other part of this or any other country. Sir, I must also express my deep regret that the Senator from Pennsylvania, [Mr. BUCHANAN,] whose sentiments generally met my approbation, and were such as became him, intimated the same opinion.

[Here Mr. BUCHANAN explained. He had no doubt that the people of the southern States were as virtuous as any other. He only spoke of the subject in the abstract, and declared it to be the same as that of the people of Pennsylvania generally.]

I understood it, (resumed Mr. B.,) as all amounting to the same thing in the end; for we must always attest the correctness of every theory by practical illustration; but as the gentleman has disavowed the allusion, I have but one remark more to make touching this point, that is, to point out to gentlemen the impropriety of passing judgment on the institutions of other States. Sir, suppose I should, on this floor, or any one elsewhere, having as little right to interfere in the affairs of Pennsylvania, should invade that State, and tell him, in relation to a late action of the Legislature of that State, that they have resusciated in their State "a monster;" suppose the charge should be carried farther, and it should be said that all this was consummated through "fraud and bribery," what would the gentleman reply? I think his reply would be a ready one; that all such strictures are, to say the least of them, gratuitous, and that, whether true or false, it is an intermeddling with matters which do not concern any but the citizens of Pennsylvania. I think this is the mildest answer which he could or would give. Sir, I might go farther, but this one illustration will suffice. Mr. President, there is another matter to which I will allude. It has been intimated that this question has been raised, or rather these petitions have been resisted *in limine*, for the purpose of making it have a political bearing; that it is intended to operate injuriously upon the prospects of a particular candidate for the presidency. Upon whom this is intended to operate we have not been distinctly informed. Sir, for one, I deny it. How is it possible that honorable gentlemen can think that any southern man, either here or elsewhere, should be willing to mix up such a question as this with the little ephemeral miscalled politics of the day? Upon this subject, so far as the State from which I come is concerned, there is no party—upon it there is no diversity of opinion. The prosperity of that State is identified with it. Are we willing to risk this important interest on the result of a presidential contest? The thing is too absurd. We have no other interest in this contest except with others to use our exertions for the choice of an individual who will honestly and faithfully execute the laws and constitution of the United States.

Sir, much has been said about excitement produced by the agitation of this subject. Who has produced it? It is those who have sent these petitions here, not we who resist them. It has become us to speak freely. If that is to be deprecated as excitement, it is nothing more than, from the nature of things, was to be expected. We apprehend danger not only to the safety of the South, but to the integrity of this Union itself, from those movements in favor of emancipation. We consider their designs dangerous, and the means they are every day using calculated to bring destruction upon the country. We have exposed this freely, as we were in duty bound to our constituents to do. If I were to say to my constituents that all is safety, that no danger is to be apprehended, that the abolitionists are few in number and decreasing, I should not tell them the truth; for I do believe they are increasing rapidly, and that they will carry their schemes to a most dangerous extent, unless promptly met, and their views negatived by the most decided vote Congress can give. Sir, I was somewhat surprised, and not a little mortified, that the Senator from Georgia near me [Mr. KING] should think it necessary to unite in this denunciation of those who hold the negative of this proposition. What, sir, will he condemn those whose interests are identified with his own, because, when an assault is made upon our common rights, when we have every thing at stake, we prefer the adoption of the strongest, the most direct and decided measure? If any odium is to be attached to this, I stand ready and willing to bear my full proportion. Sir, I have now submitted what I intended to say, having said even this much with great reluctance, and take my seat under the clear persuasion that I will never again here open my lips upon this subject.

Mr. KING, of Georgia, said, as the Senator who had just taken his seat seemed with others to have somewhat misunderstood the import of what he had said on a former day, he would like, before the question was finally taken, to correct that misunderstanding, and add a few remarks in answer to the Senator from Mississippi. He was very anxious that the difference between himself and his southern friends should be well understood; that too much should not be made of it, either at the North or at the South.

Mr. K. said he thought he had been very explicit when he before briefly addressed the Senate, in stating that, on the subject and object of the memorialists, there was no difference of opinion among southern members. They only differed upon the questions raised on the preliminary motion made by the Senator from South Carolina. In other words, they agreed on the subject of abolition of slavery in the District of Columbia, which was the object of the memorial, but differed on the constitutional right of petition raised under the motion; and, also, upon the expediency of contesting that right on the present occasion. He did not believe that they could differ on this branch of the subject, if his friends had not suffered their reasoning faculties to be obscured by the excitement of their passions and the influence of their prejudices. Under this belief, he could not do better than to remind the Senator from South Carolina, [Mr. CALHOUN,] and those who acted with him, of the wise admonition of the Senator himself early in the session.

On another branch of this same subject, the Senator had cautioned the Senate against the establishment of precedents on subjects of high excitement. He very properly stated that, on such occasions, we might hastily establish principles dangerous to the constitution, and embarrassing in future times to our legislation under it. His friend was then justifying himself to the southern people in advance for an opposition report which he intended to make against the recommendation of the President in his annual message. The President recommended to Congress so to regulate the action of the Government, under a power expressly granted to it, as to effect only the national objects for which it was granted, and avoid any encroachments upon the rights of the States on the subject of domestic slavery, for which it was not granted. Whether the admonition of the Senator was called for on that occasion, might better appear on a discussion of that branch of the subject; but the admonition was certainly a wise one, and he was sorry the Senator had lost sight of it in the motion he had made. He would not rebuke his southern friends; he believed they acted under excitement; and, if they erred, they erred honestly, and believed, no doubt, they were doing the best for the South. He thought their error so palpable, however, that he hoped he would be excused for the remark, as a general one, that he thought it ill became gentlemen of the South—ay, gentlemen of the South--who professed to be struggling and straining every nerve upon all occasions to preserve the constitution in its purity, incautiously to put their foot upon it in a moment of irritation at the conduct of a few deluded and mistaken philanthropists. The South wished the constitution as it is, *intact* as it has been written, so long as it answered the purposes for which it was framed. It would be needed by us, he hoped, after the abolition excitement had passed off and been forgotten. A sentiment had, he said, fallen from a Senator from Massachusetts that had been much censured from various quarters. He had voted against the Senator on the occasion out of which the remark had grown, because he did not believe with him in the danger to the constitution. But when a Senator believed he was called on to violate the constitution, the sentiment was one in which he fully concurred. Sir, said he, if the walls of this Capitol should be "battered down," they may be built up again; but, in the selfish sectional feelings of the present day, if our glorious fabric of Government should perish in the conflict of sectional passion, where are the political journeymen with the wisdom or the patriotism to reconstruct the noble edifice, with all its present symmetry, usefulness, and beauty?

Mr. K. thought it remarkable that his southern friends, who were opposed to him, seemed, by their arguments, to have lost sight of the very nature of our institutions, and especially of the essential distinction between republican and despotic Governments.

One of the most difficult subjects, he said, in the whole science of government, was that of reconciling the peace of the community and the safety of established institutions, with the rights and liberties of individuals. Practically and theoretically it had divided the world more or less in all ages, but he had thought that it was not now a debatable question with the people of the United States. He considered it settled by the very form of our Government and institutions; for it was in the establishment of the form of Government that this question was usually considered and settled. The Government of our choice (Mr. K. said) was purely republican. It was based on popular opinion, which was known to be mutable: the freedom of that opinion was secured, as was also a free and unobstructed intercourse between Government, the agent, and the people, the constituent power. The opposite form of Government (said Mr. K.) assumes that Government, when once established, is always right; that it is based on principles unchangeable; its acts infallible; and the Government is to be guarded, if necessary, by its own organized force, denying any voice to the citizen for whose good it was established. It was strange (Mr. K. said) to see gentlemen, by their arguments, actually sustaining the latter in opposition to the former system of government.

Sir, (said Mr. K.,) there is no good without alloy. The privileges allowed to the citizen under a free constitution may be, and are, as in this case, very often grossly abused, the community troubled, and established institutions endangered. But the people of the United States have determined that these abuses are rather to be combated by reason and patriotic discretion, than that the freedom out of which they grow should be denied. In other words, they prefer the enjoyment of a rational liberty at the price of vigilance, and at the risk of occasional trouble, by the errors of misguided or bad citizens, to that repose which is enjoyed in the sleep of despotism.

However unpatriotic, then, (said Mr. K.,) these petitioners may be, however deluded, however mischievous in every sense, and however we may reprobate their conduct, they are still citizens of the United States. It was acknowledged that these memorialists were highly reputable and peaceful citizens, as those belonging to the Society of Friends usually are. However this might be, they were certainly citizens, submitting to the operation of the Government, and contributing to its support, and must, under its theory, be allowed the same rights as other citizens. They must be allowed, like other citizens, to petition the Government, the Government having a perfect right to reject their prayers after receiving their petitions. The simple right of petition was the most harmless and inoffensive of all possible rights, if it be properly treated. It enforced nothing and effected nothing but what Government thought proper to yield to it. The peaceable exercise of the right, however idly employed, could rarely be productive of mischief, though it might sometimes be evidence of mischievous intentions. The greatest danger was in imprudently and unnecessarily resisting it. All history was full of the most warning instances in which the most worthless men and the most worthless principles had been elevated to unmerited consequence, by opportunities incautiously given them of throwing themselves into the breaches of a violated constitution.

He had been asked if he would receive a petition to abolish slavery in Georgia? This was a strong and improbable case; but he had answered, and would still answer, that he should feel bound to do so, and would then treat it with that contempt which so extravagant a proposition would deserve. Mr. K. thought we had no right to refuse to receive a petition, if made by a citizen of the United States, and touching a matter that concerned him as such. These he thought the only essential requisites to entitle the petition to a reception. It must be signed by citizens, and touching their interests as citizens. We could not be embarrassed by petitions to relieve the Ryots of the East Indies from the oppressions of the Zemindars, or from the heavy exactions of the East India Company. Petitions for such a purpose might be refused, and gentlemen had said that this memorial might be refused on the same principles. He thought, himself, that they were meddling with a matter that should not concern them; and would strongly recommend to them to attend to their own business, and allow the people of the District to attend to theirs. But still, it was insisted that the District of Columbia was a national Territory, and under national jurisdiction; that the representatives of the people of the District were the representatives of the people of the United States; that the public buildings, and a vast amount of public property, in which they have a common interest, are located here; that the District is governed, to some extent, at the cost of the nation; in short, that there is that kind of relation between the people of the District and the people of the United States, as citizens of the same nation, which gives them an interest in the subject of their memorials. However light this reasoning, it was difficult, on principle, to get round it; and he thought, at any rate, we should not settle this question on nice distinctions, perhaps convincing to ourselves, but to nobody else.

But, (said Mr. K.,) waiving this objection, as seems to have been generally done, and how do gentlemen get round the constitutional objection of their motion? Why, they say they do not propose "to pass a law" to abridge the right of petition, and, therefore, do not propose to do any thing which the terms of the constitution forbid. He begged that his southern friends would reason on this as they would reason on other subjects; that they would shake off momentary influences, and employ their reasoning faculties for the discovery of truth. If they would only do this, they could not disagree with him for a moment, for they must instantly discover that their answer was a palpable evasion of the constitution itself. Mr. K. called for and read the first amendment, as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances."

Congress, under this article, can pass no law to "abridge" the right of the people to petition the Government. A modern commentator on the constitution, of some note and much ability, in noticing this part of the article, dismissed it with the remark that it was totally unnecessary. This is obvious to every one who will consider for a moment the relation between a free people and the Government of their own choice. The privilege belonged (said Mr. K.) to the form of government, was united with it, and inseparable from it. It as clearly belonged to the people on the formation of the Government, as did the right to use the English language without any constitutional provision for that purpose; and (said Mr. K.) if gentlemen will only look at the constitution, and not evade it, they will see that the right was not acquired by the constitution, but only secured by it. The right, as a pre-existing one, was expressly recognised by the language of the constitution itself. What was the language applicable to the question before the Senate? It prevented Congress from passing any law "abridging the right of the people to petition the Government," &c.

Was not here a plain and express recognition of the pre-existing right? "Abridge" what? His friend from Carolina was a logician as well as a statesman, and he would ask him how the constitution could provide against the "abridgment" of a right which it did not acknowledge to exist? Could we abridge a nonentity? Could we take any thing from nothing? Could we add securities where there was nothing to secure? Certainly not. As a thousand naughts added will make nothing, so a cipher cannot be reduced. The right, then, belonged to the people, as inseparably incident to their form of government—was acknowledged to exist by the language of the constitution, and was guardedly secured by the provisions of that instrument. Yes, (said Mr. K.,) secured against the united legislative power of the whole Government; and yet gentlemen propose unceremoniously to defeat it by a simple motion in one branch of the Legislature. He would not dwell longer upon this branch of the subject. He had already said more than was necessary. A proposition so extraordinary could only claim attention from its respectable paternity: certainly not as a fair subject of argument or discussion.

Mr. K. said it was perfectly clear that the people of the United States intended to secure a free intercourse between the people and their Government, and especially to place beyond doubt the right of petition.

That Congress would be troubled with many petitions it could not grant, and would occasionally have submitted to it propositions foolish and extravagant, was a foreseen incident of the right, and one that could not be avoided without assuming the power to deny the right altogether. The fact of sending a petition here for any purpose, proved that the petitioner believed he had a right to ask it, and that Congress had a right to grant it. We had only to receive the petition, look into it, decide on the right to relief, and act accordingly. No man ever was convinced of his error by refusing to hear him.

But, in the second place, (said Mr. K.,) if we, by the aid of our prejudices, should be able to convince ourselves that this motion may be sustained without a violation of the contitution, is it expedient to press it when it is apparent that we would never be able to convince any body else? It gave no promise of good, in the most favorable view of it, and in all other views threatened a great deal of mischief. All these extra and unnecessary issues, attacking popular and general rights, to secure particular rights, threw new and additional weight upon our friends, the reasoning and patriotic citizens of the North, who were using their influence in the way they thought most efficient to put down the misguided enthusiasm of the abolitionists. The evidences of every day, as well as our general reflections, should satisfy us of this. An unpopular cause was always strengthened by union with a popular one. The abolition of slavery, as prayed by the memorialists, was unpopular, and we wished it to be more so. It had not, he believed, a single advocate in the Senate. There might be an exception or two, but he did not believe it. On the other hand, the right of petition we know to be a very popular right. It always had been so, and no considerable portion of the people in any part of the Union would allow it to be questioned; and if, in the red heat of excitement, we weld these two propositions together, the unpopularity of the one will be lost in the popularity of the other, and men will thus be brought into a union of action, who are at present as widely separated in thought and purpose as the poles are asunder.

Man, he said, was a social and sympathetic being. He was always pleased and flattered by a coincidence of opinion; and agreeing in one measure of primary importance, men are more readily prepared for agreement in every thing else. On the other hand, if they believe others extravagantly wrong upon one fundamental principle, they easily believe them wrong in their opinions upon every other; and, not agreeing in that, they will agree in nothing. Without referring with any disrespect to a doctrine in which he did not agree, he could cite his southern friends to the reorganization of parties at the South on the doctrine of nullification, as a practical illustration of the truth of this position. Thousands of intelligent men, who, in politics, formerly agreed in every thing, now agreed in nothing, because they did not agree upon the doctrine of nullification; and, on the other hand, thousands, who formerly agreed in nothing, now agree in every thing, because they do agree in that doctrine. The history of parties would prove the same results in similar cases in all time past, and the same results would follow similar causes in all time to come until the nature and constitution of man should be essentially changed.

What, then, (inquired Mr. K.,) could be gained by uniting these questions? Nothing: but a great deal lost in elevating abolition by its union with the popular right of petition. Being entirely prostrate in many parts of the North, and he hoped weak every where upon the true question they have been pressing, they wish new ground to stand on; they wish something that they may carry upon their election grounds, and use to the prejudice of the southern people. We already saw, he said, the use they were making of our pretensions, and the manner in which we had pressed them. By such motions we gave them the advantage of insisting that, whilst we demanded our own rights, we had no respect for the rights of others; that, claiming rights under the constitution, we show no regard whatever to the constitution ourselves. He had been among the people of the North during the past summer, and met with not a single man with whose sentiments he was dissatisfied. The great mass of the intelligent and patriotic were, so far as his observation extended, perfectly sound on the subject. All they seemed to dread was the imprudence and violence of the South, in the extravagance of their demands, and the multiplication of false issues. They seemed to have full confidence that they would be able to put down the agitators, if they could only be permitted to do it in their own way, and be relieved from demands which could not be legally gratified, and angry denunciations not deserved. He was also gratified to notice that great allowances were made for the natural excitement of their southern brethren upon this delicate and irritating subject. He hoped this indulgence would continue; but he really feared that, unless his southern friends were more prudent and more just towards those who had been using every means in their power to put down agitation; those who had espoused the cause of the South in every form; the apparent injustice would ultimately prove beyond all human endurance; and those, (said Mr. K.,) of all political parties at the North, who are now, and have been, our open, avowed, and active friends, if they do not become enemies, must become indifferent to our rights and to us. We could not complain of these as enemies whom we rejected as friends.

An error of this kind had just been repeated by the Senator from Mississippi. But for this repetition he should not perhaps have noticed a mistake of a similar nature made a few days since by his friend from Carolina. What were these mistakes, and what were the consequences they would naturally lead to? He said it was known that there was a talented, patriotic, and highly influential member of the other House, from New Hampshire, [Mr. Pierce,] to whose diligence and determined efforts he had heard attributed, in a great degree, the present prostrate condition of the abolitionists in that State. He had been the open and active friend of the South from the beginning, and had encountered the hostility of the abolitionists in every form. He had made a statement of the strength and prospects of the abolitionists in his State, near the commencement of the session, that was very gratifying to the people of the South. This statement was corroborated by one of the Senators from that State a few days after, and the Senator from Carolina rose, and, without due reflection, he was very sure, drew from his pocket a dirty sheet, an abolition paper, containing a scurrilous article against the member from New Hampshire, which pronounced him an impostor and a liar. The same thing in effect had just been repeated by the Senator from Mississippi against one of the best friends of the South, Governor Marcy, of New York.

[Here Mr. Calhoun rose to explain, and said he had intended, by the introduction of the paper, no disrespect to the member from New Hampshire; and Mr. Black also rose to say he only wished to show the course the abolitionists were pursuing, and their future views.]

Mr. King said he had been interrupted by the Senators, but corrected by neither of them. He was not attacking their motives, but only exposing their mistakes. The article read by his friend from Carolina was abusive of the member from New Hampshire, and contradicted his statements. The article read by his friend from Mississippi against Governor Marcy was of a similar character. It abused, menaced, and contradicted him. These abusive productions would seem to be credited and adopted by those who used them as evidence, and incorporated them in their speeches. Here, then, was a contest in the North between the most open and avowed friends of the South and the abolitionists; and we had the strange exhibition of southern gentlemen apparently espousing the cause of the latter, who were continually furnishing them evidence with which to aid them in the contest. Did gentlemen call this backing their friends? What encouragement did such treatment afford to our friends at the North to step forth in our behalf?

[Here Mr. K. good humoredly remarked to his friends from Carolina and Mississippi, that they seemed greatly in favor with the abolitionists here lately; that they did not honor him with any of their papers.]

He objected to these papers as any evidence of any fact, and especially objected that they should be used by southern men against the friends of the South. He would not even carry one of the vile vehicles of falsehood in his pocket. The whole system upon which these publications were conducted seems to be one of pure fiction, falsehood, and fraud. They could not be relied on for the establishment of any fact whatever. And this was one of the strongest evidences to his mind against the good intentions of the intelligent leaders of the abolition societies. There were doubtless good men among them, who, without a sufficient knowledge of the subject, had been too easily imposed upon; but that the master spirits of the mischief, who well understood the system upon which they acted, could be actuated by benevolent motives, was very improbable.

As these abolition papers were introduced as evidence, he would ask his friend from Carolina one single question, and that was, whether, among the bushels of this trash with which the abolitionists seemed to furnish him, he had ever seen one single narrative of facts in relation to slavery at the South, that he did not, as a southern man, and acquainted with the subject, either know to be false, or believe to be so? He did not know what would be the Senator's answer to this; but, for himself, he would say, under the sanction of an oath if required, that, in all the abolition publications that he had ever read, he had never seen a single statement of importance in relation to the subject, that he did not, of his own knowledge as a southern man, know to be destitute of truth, or, from the incredible nature of the story, believe to be so. One of these stories occurred to him, which might be selected as a fair specimen of the whole, and he selected it only because the alleged facts were confined to this city; and gentlemen who were anxious to sustain the credit of these papers could, if they chose, investigate the facts stated. He referred to the history of Miss Mary Brown, (he believed that was the name,) whose history was given in one of the anti-slavery periodicals during the last summer. Miss Mary, it seemed, was a very pious young lady, born of free parents in the city of Washington, and raised in the same place to years of maturity. She was walking in the public streets, about noon day, a few years since, (as she certainly had a right to do, if she was free,) and was met by a kidnapper, of no less responsibility than the marshal of the District, who seized her, and carried her to an auction then going on upon Pennsylvania avenue, where she was sold to a Mississippi trader, to the highest bidder, for perhaps $350. Now, sir, you perhaps suppose that, being kidnapped and sold in the city where she was born and raised, she was immediately sent off, to prevent some process in her behalf; but not at all, sir; she was lodged in the jail of the District, and there remained for thirty or forty days before she was marched, under frightful suffering, to the State of Mississippi. After much affliction, and some adventures there, which I will not detail, she makes her way to Cincinnati, where she furnishes the materials for her biography, of which, no doubt, tens of thousands of copies have been published and circulated by these pious societies, to enlighten the Christian world on the subject of slavery in the District of Columbia and the slaveholding States. Their system seemed to be one of unmixed invention. They drew on the imagination exclusively for facts. Did gentlemen ever see a truth in one of these papers in relation to themselves? If not, why use them as evidence against their northern friends?

A great deal had been stated in one form or other, and in one quarter or other, as to the numbers and increase of these disturbers of the peace; and he did not undertake to say what was the fact. He learned, and thought it probable, that they had increased since the commencement of the session, and had heard also the increase attributed to the manner in which the subject had been treated here. However this might be, what he insisted on was, that those base productions were no evidence of the fact, or of any fact, and especially should not be used by southern men, in opposition to the statements of high-minded, honorable men at the North, who were the active and efficient friends of the South.

If gentlemen wanted further evidence of the reckless system of fabrication and falsehood pursued by the abolition fraternity, he would give them another proof of it, which he thought would settle their opinions on that point. As introductory to this further proof, however, and, in fact, as a necessary part of it, he must remind them of the glowing accounts to be seen, in all the abolition prints, of the great success and triumphant march of the missionary, George Thompson, from the time of his arrival in this country until compelled to embark rather unceremoniously on a return voyage to make his final report to the Glasgow maids who sent him. Every number of almost every paper which fell under his eye during this alleged prosperous mission was filled with flattering and cordial receptions, crowded and attentive meetings, brilliant triumphs, and increasing resources. All statements of formidable opposition to him were flatly contradicted. These statements were generally corroborated by Thompson, until the dying declarations of his mission, when the truth could no longer be concealed, or falsehood be made profitable. At any rate, we found him contradicting the whole preceding history of his mission, in letters written from this country to England, just before he embarked. Mr. K. read the following article from the "Leeds Mercury," an English paper.

"*Mr. George Thompson.*—Letters of a most distressing nature have been received from Mr. George Thompson, the zealous and devoted missionary of slave emancipation, who has gone from this country to the United States, and who writes from Boston. He says that 'the North' (that is, New England, where slavery does not exist,) 'has universally sympathized with the South,' in opposition to the abolitionists; that 'the North has let fall the mask;' that 'merchants and mechanics, priests and politicians, have alike stood forth the defenders of southern despots, and the furious denouncers of northern philanthropy;' that all parties of politics, especially the supporters of the two rivals for the presidential office, (Van Buren and Webster,) vie with each other in denouncing the abolitionists; and that even religious men shun them, except when the abolitionists can fairly gain a hearing from them. With regard to himself, he speaks as follows: 'Rewards are offered for my abduction and assassination, and in every direction I meet with those who believe they would be doing God and their country service by depriving me of life. I have appeared in public, and some of my escapes from the hands of my foes have been truly providential. On Friday last, I narrowly escaped losing my life in Concord, New Hampshire.' 'Boston, September 11.—This morning a short gallows was found standing opposite the door of my house, 23 Bay street, in this city, now occupied by Garrison. Two halters hung from the beam, with the words above them, 'By order of Judge Lynch!'"

The contradiction between this and the previous accounts referred to, he hoped, would satisfy gentlemen that the statements of abolitionists were not worthy of the use they had made of them to disprove the statements of honorable men.

Other errors, he thought, had been committed, and sentiments expressed, doubtless under the influence of excited feelings, and in the hurry of debate, which he deeply regretted. The most friendly advances, by those whose friendship had been manifested in the most undoubted manner, had been rudely repulsed. The kindest feelings had been met by unmeasured denunciation. To assurances of devoted friendship to the South and its institutions, it had been angrily answered that the South did not want the sympathies of the North; that it had no occasion for assistance, and set opposition at defiance. This was proper language to an enemy, but was uncalled for to friends, and was calculated to have an unhappy effect in weakening the national sympathies of the people. These were hasty sentiments, however, and he hoped would be so considered. As for his part, he did wish the sympathies of the northern people, where they were freely given, either on this or on any other occasion, necessary to preserve and prosper our great and glorious confederacy. And if it should ever become necessary, he wished their assistance also. He did not ask it in a humiliating tone or a humiliating sense. He demanded it as a social duty; nay, more, as the performance of a paramount constitutional obligation.

If we did not want the sympathies of our own countrymen, who owed them to us, whose sympathies did we expect? Those of England and France? Were there still any advocates of the wild project of preserving the South by a separation, and forming alliances with these two Powers? He presumed not. England had seized upon the property of her own West India planters, and ruined the planters and ruined the country, at the same time imposing new burdens upon an already overtaxed people at home. Whig and tory, however they disagreed on other matters, seemed, he said, to agree tolerably well on this; and the great master spirit of the movement party, O'Connell, (of whom it had been said that he sought mischief from the pure love of mischief,) was endeavoring to move heaven and earth against the southern planters.

France, too, it seemed, overlooking the squalid poverty of her own starving millions, had all at once become wonderfully sensitive on this subject. And partly from her journals, and partly through channels of a more private nature, but more to be relied on, we learned that many of the most influential and leading men of that kingdom were striving to combine the moral power of the press of Europe in the cause of abolition. From this intermeddling fanaticism abroad, was it not likely we might have enemies enough, without these spirited efforts to make enemies at home? We could expect nothing, and we asked nothing, from other countries. We could protect ourselves; and, with the patriotism and fraternal feeling of our own countrymen, on which he hoped and believed we might always safely rely, we might set all Christendom at defiance, if disposed to intermeddle with us on this or any other subject. Our enemies he would defy every where; but would not, by such unprovoked defiances, insult and drive from us our countrymen and friends.

The Senator from South Carolina had remarked that the southern members were in a minority on that floor, and therefore ought not to divide. He felt that this was true, but the remark might be addressed to his friend with the same justice that it could be addressed to him. They happened to differ in the course best calculated to protect and secure the interests of the South; but he was happy to say that they differed only on collateral and comparatively unessential points. Upon the main subject they are united, and would stand together and sustain each other to a man. We might as well expect the right hand to be warring against the left, instead of warding a blow aimed by an enemy at the heart, as to expect the South to divide on any essential point connected with this subject, so vital to that section of the country. He was a native of a slaveholding State, and was a southern man in feelings, affections, and interests. His interests were there; his affections were there. What local prejudices he had were there; and if he had any ambition beyond the grave, it was that his bones might be buried in that section of the country where he had been nurtured, raised, cherished, and honored.

Mr. PORTER said it was not his intention to have spoken on any subject to-day, and especially on the subject spoken upon by the gentleman from Georgia, [Mr. King.] Subsequent reflection had not struck him with any error advanced on that day. What he had seen had struck him with the necessity of observing silence. He felt as if the liberties of the country were involved in this discussion. Unless the people of the North used stronger measures than had yet been used, he despaired of suppressing the growth of abolitionism. He was proud to call the gentleman from Georgia [Mr. King] his friend. He believed him honest. He believed if he [Mr. King] thought he was pursuing a course which would weaken the cause of the South, he would instantly retrace it. The course pursued by that gentleman this day was, in his (Mr. P's) opinion, well calculated to thwart them, (the southern delegation.) They were presented here with a divided front; the maxim of "divide and conquer" was bearing upon them. When every thing dear to them was involved, when the gentleman had seen they were bowed down, he hoped he would unite with them, so that they might show that they were not divided at home. For his part, he should persist in the course he was going to pursue, and to which he had expressed his preference, even at the risk of a division. The South ought to unite on the very strongest measures. No matter what was done, whether they rejected the prayer of the petition or refused to touch it as contaminating, the abolitionists would continue their schemes; they were animated by a religious enthusiasm; they had their movers, and they would continue their avocations to the end of their lives. He feared the good sense of the North would not be able to put them down. He had said before that he would move to reject this petition at once. Was there not a motion for that purpose now? Could not the honorable gentleman from Georgia [Mr. King] see the object of it was to teach them that this was a subject about which they of the South could not be talked to? Sacred as that instrument, the constitution, was, when he saw their rights, their property, and their lives in jeopardy, the sacredness of its character was lost. He admitted the right of petition was sacred, and did not wish to abridge it. He saw no difference between rejecting the petition and rejecting the prayer of it. The right of petitioning did not imply the right of assenting to the petition. He felt a higher obligation than any other on earth to resist this attempt to interfere with southern rights. He warned those in the North whose affections were kind, and whose judgments were sound on this subject, that this temple was destined for purposes which those who built it never contemplated. If these societies were growing, as he believed they were, he could not shut his eyes to the threatened dangers. Gentlemen were mistaken if they thought he wished to discredit or weaken the exertions of his northern friends. He did not believe that those gentlemen from the South who acted with him were mistaken in their statements in relation to the feelings at the North. He had information from other sources than pamphlets or newspapers. He would ask the gentleman from Vermont [Mr. Swift] whether the number of these societies had not increased in his State of late?

[Mr. Swift could only speak of a part of the State of Vermont, in which he had understood some five or six societies had been formed since he came here.]

Mr. Porter continued. The statement of the gentleman from Vermont corroborated what he had heard from other sources. He had no doubt that the accounts in those abolition papers were exaggerated. But he nevertheless believed, where there was so much smoke there must be some fire. He believed a large majority of the people of the North were virtuous, and it was to their virtue he looked for aid. He could, however, assure them that the only way to put down the abolitionists was by prompt and decisive measures. As to that wretch, Thompson, he did not regard any thing he said. The Senator from Connecticut [Mr. Niles] had said all the mischief had been done by the clergy.

Without coming to any decision,

The Senate adjourned.

Tuesday, March 1.

FRENCH SPOLIATIONS.

The following message was received from the President of the United States:

Washington, *February* 29, 1836.

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, correcting an error made in the report recently communicated to the Senate in answer to the resolution of the 16th instant, respecting the number and amount of claims for spoliations presented to the commissioners under the French treaty of 1831, which were rejected.

ANDREW JACKSON.

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DEPARTMENT OF STATE,
Washington, Feb. 27, 1836.

To the President of the United States:

The Secretary of State has the honor to state to the President that, in consequence of the error of one of the clerks in the Department, in mistaking *vessels* for *claims*, the report in answer to the resolution of the Senate of the 16th instant is incorrect in the number of claims in whole or in part allowed, and in the number of claims rejected. The Secretary respectfully requests that the President will transmit to the Senate the accompanying report, in which the error is corrected, to be substituted for the one heretofore communicated. It is not apprehended that any public injury can grow out of the mistake, but the Secretary considers it his duty to correct, as soon as it is discovered, any inaccuracy of a paper sent from the Department.

All which is respectfully submitted.

JOHN FORSYTH.

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DEPARTMENT OF STATE, *Feb.* 24, 1836.

To the President of the United States:

The Secretary of State, to whom was referred the resolution of the Senate of the 16th instant, requesting the President to "cause to be communicated to the Senate, so far as there may be information in the Department of State, the number and amount of claims for spoliations presented to the commissioners under the French treaty of 1831, which were rejected, and the reasons for such rejection," has the honor to report:

That it appears from the "Register" of the commissioners, that the number of claims presented amounted to - - - - - - - - -	3,148
Of which allowances have been made, in whole or in part, - - - - -	1,567
Leaving the number upon which no allowance has been made, - - - - -	1,581

The books of the commissioners do not, generally, give any information respecting the amount claimed in the rejected cases; nor do they, in any instance, furnish the reasons for rejection. In many of the cases in which allowances were made, these allowances were partial only, portions of the claim having been rejected. It appears, therefore, that the records of the commissioners do not furnish the means of complying with the resolution of the Senate.

An estimate of the amount of the rejected claims, and a conjectural statement of the reasons for the rejection, approximating to the truth, might probably be made upon a careful examination and comparison of all the papers on file in the Department, relative to the claims presented to the commissioners. But such an estimate and statement are not believed to be within the terms of the resolution, and would not repay the time and labor which, from the great number of the papers, would necessarily be employed in preparing them.

All which is respectfully submitted.

JOHN FORSYTH.

OHIO AND MICHIGAN BOUNDARY.

Mr. CLAYTON, from the Committee on the Judiciary, to which were referred the bill to establish the northern boundary line of the State of Ohio, and the joint resolution on the same subject, made a report, which was read.

The report is very long, and occupied the greater part of the morning in the reading.

Mr. EWING, of Ohio, moved that the report be laid on the table, and printed, and that 5,000 extra copies be printed.

Mr. BUCHANAN rose to put himself right as to one single point. He concurred in the report of the bill, and he also concurred generally in the reasoning of the committee. There was, however, one point on which he dissented. He did not think that the provision in the constitution of Ohio imposed on the Government of the United States any obligation, express or implied, to demand from Michigan the disputed territory, as a matter of right. In reference to its expediency, he agreed with the committee. He thought the better course would be to give the territory to Ohio, and make it up to Michigan out of the Territory of Wisconsin. He thought that Ohio had no greater right to demand this territory of Michigan than Michigan had to claim it.

Mr. CLAYTON said it was unnecessary at this time to debate the difference between the member from Pennsylvania and the rest of the committee. It was a fact, however, which, perhaps, it was well should be made known, that, in the results to which the committee had arrived, every member concurred. The gentleman from Pennsylvania differs from the rest of us only in a single part of the reasoning which brought us to these results, and that is this: we consider it not only expedient, but due to our sense of justice, to confirm the Ohio line; the gentleman thinks it expedient only. We have not decided that Ohio has the line she claims as a matter of strict legal right. On the contrary, the report we have made negatives such a pretension. Had we decided that Ohio has, without our further legislation, a vested and indefeasible right to the boundary proposed in the bill, we should not have reported the bill, but have remitted the parties to the judicial tribunals of the country.

The motion to print 5,000 extra copies was then agreed to.

FLORIDA RAILROAD.

On motion of Mr. KING, of Alabama, the previous orders were postponed, and the Senate took up the bill to authorize the East Florida Railroad Company to make a road through the public lands.

The bill having been amended, a discussion arose between Mr. DAVIS, Mr. PORTER, Mr. KING of Alabama, and Mr. HENDRICKS, when it was for the present laid on the table, to allow time to Mr. DAVIS to prepare an amendment.

ABOLITION OF SLAVERY.

The Senate proceeded to consider the petition of the Society of Friends, praying for the abolition of slavery.

The question being on the motion of Mr. CALHOUN, that the petition be not received,

Mr. PRENTISS rose and addressed the Chair as follows:

Mr. President: I am unwilling that the vote which I shall feel myself obliged to give upon this question should be liable, from silence on my part, to any misconception. In all my public acts, and on this occasion in particular, I am desirous that the grounds upon which I proceed should be distinctly known, so that no misapprehension may exist, with respect to my conduct or my motives, here or elsewhere. I cannot yield my assent to some of the doctrines which have been advanced in this debate; and I wish to say just enough to prevent the possibility of any inference that I acquiesce in them.

Sir, (said Mr. P.,) the abolition of slavery in the District of Columbia is a question, in all its aspects and relations, of great interest and delicacy. It is a question which I have had no disposition to agitate, especially at this time; and at no time would I interfere, in the slightest manner, with slavery as it exists in some of the States. In my public character, I look upon slavery in the States only as the constitution of the United States looks upon it—as a State institution, existing under State laws, and subject only to State authority. I know it only as it is known to the constitution, and would not treat it otherwise than the constitution treats it. I would leave it where the constitution has left it, disclaiming all power in Congress over it; and I would neither do nor say any thing in my public capacity here to disturb the right in this species of property, or in any manner to endanger its security. While I say this, sir, in reference to slavery in the States, I am bound, in candor and frankness, to say that I regard slavery in this District in a very different light.

The petitions which have been presented here do not ask any interference, or assert any power in Congress to interfere, with slavery in the States. They are confined to slavery in this District. They complain of its existence here as a public evil, and ask the interposition of Congress to redress the grievance. The Senator from South Carolina [Mr. CALHOUN] has moved that the petitions be not received. The Senator from Pennsylvania [Mr. BUCHANAN] proposes that the prayer of the petitions be at once rejected.

Sir, I cannot agree to either of these motions. They differ, to be sure, in point of form, but the effect of both, it appears to me, is substantially the same. The first in order, the one now before the Senate, denies, in terms, the right to petition at all on the subject. The other, it is true, does not, in form, deny the right; but while it professes to admit the right, it proposes to reject the prayer of the petitions immediately, without a hearing, and without consideration. They are both essentially preliminary motions, precluding alike the usual reference and examination into the merits of the petitions; and, in my judgment, they both, in effect, abridge the right secured by the constitution; or, more properly speaking, the right recognised by the constitution as a pre-existing right—a right original and inherent in the people. If we can make no law abridging the right to petition, we surely can neither rightfully refuse to receive a petition, nor reject it *instanter*, on its reception, without a hearing, without an inquiry into the subject-matter.

The distinction between rejecting the petition, and rejecting the prayer of the petition, immediately on its being received, which is the motion proposed by the Senator from Pennsylvania, is too refined and abstract, in my apprehension, for a subject of such common and universal interest to the people, as the privilege and right to petition. The distinction, I must repeat, is, to my mind, unimportant, and exists rather in form than in substance. The character of the motion is not altered, or at all varied, by the circumstance that the motion admits of discussion. Discussion may be had on almost any and every preliminary motion. Discussion, free and liberal discussion, has been had on the motion not to receive. That motion is still pending; and if discussion is all that is to be looked to, every object has been attained, and gentlemen may as well vote for that motion at once. The disposition proposed to be given to the petition, after it shall be received, is equally summary, denying, as it does, investigation and consideration in the accustomed forms of proceeding; and though it may be a formal and technical compliance with the constitution, it is, after all, to every practical and essential purpose, equivalent to a rejection of the petition itself. To receive the petition with the express view and for no other purpose than immediately to proceed and reject the prayer of it, is treating the petition no better, except in mere matter of ceremony, than to refuse to receive it at all. If we are bound to receive, we are bound to hear and consider; and an abrupt and premature rejection of the prayer of the petition, if not a denial of the right to petition, is a denial of every thing belonging to the right which is of any importance.

When petitions are decorous in their language, and contain nothing which can be justly deemed intentionally offensive; when they come from persons competent to petition, and treat of subjects upon which it is competent for Congress to act, I hold that we are bound to receive them, and give them a respectful consideration. No petition, in my opinion, ought to be rejected, or can constitutionally be rejected and refused a hearing, on account of the nature of the subject of which it treats, unless the subject be obviously and unquestionably beyond the constitutional power of Congress. With this limitation of the right, it belongs, and must, from the very nature of the right, necessarily belong, exclusively to the petitioners themselves to judge of the subject-matter. If Congress can discriminate between subjects, and say that upon some subjects petitions may be received, but upon others they shall not be received, what, I ask, becomes of the right to petition? What is the right worth? It will be in vain, sir, that we acknowledge the right, if we thus limit its extent, if we thus control its exercise.

These preliminary motions, for I can call them nothing else, go directly, it appears to me, to impair, to narrow, and abridge the right. If we really mean that the right shall be enjoyed in its just, its legitimate extent, we shall forbear to embarrass it, to render it nugatory, by questions of this sort. We shall rather treat the petitions, as I think we are bound to treat them, and as they have always heretofore been treated, according to the ordinary rules and usages of parliamentary bodies in such cases.

I regret exceedingly the harsh expressions which gentlemen have thought fit to apply to the petitioners. They have been denounced as incendiaries; they have been charged with criminal, with treasonable, intentions; with intentions to excite a servile war, and subject the whole southern country to pillage, havoc, and devastation. Sir, we are apt to fall into the very common error of supposing that all who differ from us, especially on subjects of an interesting and exciting nature, do so from unworthy motives, and not from honest conviction. With some of the persons who have signed petitions on this subject I am well acquainted. I know them to be intelligent, patriotic, highly respectable. Their propositions may be strongly stated; their argument may be bold; their illustrations may not be suited to the taste or the judgment of those whose opinions they oppose; but that all, the whole combined, proceeds from a consciousness, on their part, of doing and saying what is right, I neither have nor can entertain any doubt.

With me, sir, it does not admit of a question that the petitioners believe, sincerely believe, what they profess to think, that the honor of the country, the prosperity of the country, the best and highest interests of liberty and humanity, are involved in this question. If they are wrong in their opinions, or express them with too much boldness and independence, the fault, if it be one, is to be found in the institutions of the country; in the civil and political principles of the country; in the education of the country. It is from these sources that the petitioners have imbibed their opinions, as well as the spirit which prompts the expression of them with manly freedom; and, sir, you cannot, by any law you can make, or by any vote which may be here given, repress or restrain the free expression of their opinions, any more than you can stop or check, by legal enactment, or legal coercion, the course and currrent of their thoughts. It would be unwise to attempt to do so. We should rather treat them as they have heretofore been treated. We should resort to no extraordinary measures. We should observe the ordinary rules and usages of this body, and permit the petitions, as usual, to go to a committee. This is not only the just, constitutional course, but the course, in my opinion, enjoined upon us by every consideration of policy as well as of duty.

Sir, upon the constitutional question, whether Congress has the power to abolish slavery in this District, we had, some days ago, a very compact, luminous, and intelligible argument from the Senator from Virginia; and from the known ability, and habits of close and thorough research of the Senator, we have a right to presume, and, indeed, must presume, that every consideration was presented, in support of his doctrine, of which the subject is susceptible. Although the lucid simplicity, the exact and eloquent brevity of his style and reasoning, interested and charmed me much, the Senator must pardon me if I say that his argument failed to convince me.

Two propositions were relied upon as the principal basis of the argument. It was insisted, first, that the act of cession of Virginia expressly interdicted the exercise of the power by Congress.

The act, after ceding the territory, and relinquishing to the United States "absolute right and exclusive jurisdiction over it," provides that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than as the same shall or may be transferred by such individuals to the United States."

This clause, which was evidently inserted in the act from abundant caution, was intended to define and ascertain, with more exact precision, the subject-matter of the grant, and to preclude, by express negative words, the possibility of its being construed to transfer any right or interest in the soil itself. This is not only the grammatical reading, but the natural and plain sense of the clause; and, giving to it its utmost import and extent, it is manifest that it imposes no limitation or restriction whatever upon the legislation of Congress.

It was further insisted that, independent of the proviso in the act of cession, Congress did not possess, and could not exercise, the power in question. It was said that neither the Legislature of Virginia nor that of Maryland had any power to abolish the right of property, and that they could not grant or transfer to Congress a power they did not themselves possess.

Sir, the competency of the Legislatures of Virginia and Maryland to cede the territory, and relinquish to the United States full and absolute jurisdiction over it, is not, and, I presume will not be, denied; and it appears from the act of Virginia that jurisdiction was surrendered to the United States, to be held and exercised, "pursuant," as the act expresses it, "to the eighth section of the first article of the constitution of the United States." That section, it will be seen, confers upon Congress "exclusive legislation in all cases whatsoever" over the territory. When the jurisdiction of Virginia and Maryland ceased, the jurisdiction of the United States commenced; and the question whether Congress can abolish slavery in this District depends, not upon any powers granted to it by the Legislatures of Virginia and Maryland, for they could grant none, but upon the powers given it by the constitution of the United States.

The constitution, as we have already seen, gives to Congress "exclusive legislation in all cases whatsoever" over the District; powers as large and extensive as could well be conferred, and probably as full and absolute as belong to the Legislatures of any of the States. Congress, then, in its local legislation for this District, must have, at least, as ample power over slavery within its limits, as any State Legislature possesses, or can exercise, over slavery in any of the States.

Sir, I hold, and I suppose it will not be denied, that the law of the land is the foundation of all rights of property. They exist only by and under the law, and cannot exist independent of it. They may be said to owe their origin and existence to the Legislature. This is literally and peculiarly the case with respect to the right of property in slaves. No such right, it is well known, is recognised, or even tolerated, by the common law. It is true that a century and a half ago, the court of common pleas in England adjudged that *trover* would lie for a negro boy, "because," said the court, "negroes are heathens, and therefore a man may have property in them." But, in a subsequent case, a few years afterwards, in the King's Bench, it was determined by the whole court, that *trover* would not lie for a negro any more than for any other man; "for by the common law," said Lord Holt, "no man can have a property in another."

Slavery, in its most mitigated form, imports an obligation of perpetual service, or service for life, without wages, with an unrestrained right of alienation in the master, coupled with an arbitrary power of administering any sort of correction, not immediately affecting life or limb. The servitude runs from generation to generation; the children of slaves being, by birth, slaves also. In every form of it, it takes away the most essential rights that attend the existence of men, and being equally inconsistent with the free spirit and principles of the common law, it is neither known to nor acknowledged by it.

In all the States where slavery exists, the right of property in slaves must be derived from positive enactments of the Legislature; and in this District, I take it that, independent of legislation, either original on the part of Congress or adopted by it, the right does not, and would not, exist at all. But it is probably not very material, as to the power of the Legislature over it, whether the right is derived from acts of positive legislation, or from the common law.

I have said, sir, that all rights of property owe their origin and existence either to statute or common law; and I say further, that it cannot be maintained that the Legislature, as the law-maker, has no power whatever over the rights of property. The proposition certainly is not true in a general and unqualified sense. The clause in the constitutions of the States and of the United States, which provides that private property shall not be taken for public use without compensation, certainly implies the existence of a power in the Legislature over it. If a law is made by which a person is deprived of the right to certain property, taken for public use, it is by virtue of such law that the property ceases to be his; and though the law provides a compensation, the right of property is not the less taken away against the will of the proprietor.

The truth is, the rights of property are subject to legislative action and interference, except where such action or interference is prohibited or restrained by constitutional provisions. So far as restrictions are imposed upon it by the constitution, the power of the Legislature is qualified and limited. It is admitted that a right or interest in property, once actually vested by law, cannot be taken away by the Legislature, except when taken for public use, and then only on making compensation. This is made a fundamental principle in the organic systems of this country; and without it, law, to use the language of another, would be tyranny, and government would be oppression. The constitution, regarding the right of property as one of the most important of rights, and the protection and security of it as one of the chief objects of government, declares that no person shall be deprived of life, liberty, or property, without due process of law. This process is a judicial process, and of course can emanate only from the Judiciary. Besides, no person can be deprived of a legal right, unless he has forfeited such right. The forfeiture can be ascertained and declared only by a judicial tribunal. The adjudication is in its nature a judicial act, which cannot be performed, any more than the process already mentioned can be issued, by the Legislature; because, according to the theory and provisions of the constitution, one branch of the Government cannot exercise powers properly belonging to another.

But, although a present vested right cannot be taken away by a direct act of legislation, except for the purpose and on the terms which have been stated, the Legislature may, and constantly does, exercise a power over property, in many ways, without being supposed at all to interfere with or disturb the principle of vested interests. Not to mention statutes of limitations and various other legislative acts which operate upon the rights of property, it regulates and controls the alienation of property, the transmission of it by descent, and the disposition of it by will. It can alter, modify, and change the law in these particulars as it pleases. It can say who shall be admitted as heirs, and what shall be the rule of distribution and division among them; or it can declare that property shall not pass at all by descent, but shall, in all cases, escheat to the State. This may seem a strong, and, perhaps, a bold proposition. Such a law would, indeed, be very impolitic and unjust, in reference to most species of property; but, if general and prospective in its operation, it would be difficult to raise any valid objection to it on the ground of constitutional power. The question of policy, of right and justice, is one thing; the question of constitutional power is another. Who, I ask, would be deprived of any actual vested interest, by a law providing that no one shall take, by inheritance, any right of property in slaves? Or by a law, that all children, born of slaves after a certain period, shall be free? Such enactments would touch no rights actual and vested, but rights, if they can be called such, resting in expectancy merely; rights purely potential in their nature and character.

It has been said in another place, and with much significancy and propriety, that slaves, if property, are also persons. The right of property in the persons of slaves is not the same, either in nature or extent, as the right of property acquired in things having a natural existence, over which the owner has a power of absolute and unlimited dominion and disposal. The right originates in and springs out of a relation entirely *ex instituti;* and though the relation differs, in every thing that is essential to human rights, from the relation of master and apprentice, yet, like that, it is a relation which the law creates or permits, and which it may put and end to, as it may put an end to that or any other instituted relation. Although, as I have not only admitted, but asserted, the Legislature has not the power, by a retrospective law, directly to take away or annihilate property already vested under the sanction of existing laws, and therefore legal property, it certainly may, without violating any constitutional principle, and without any injustice too, restrain future acquisitions. No one can doubt that any trade or traffic may be suppressed, which is either injurious to the public health or morals, or is incompatible with public policy; and that the further introduction of slaves into this District, or the future acquisition of them in any way, whether by inheritance, by purchase, or by birth, may be prohibited. By thus preventing the formation of any new relation of master and slave, the entire abolition of such relation may in time be accomplished, without dissolving any subsisting obligation. It may be added that, though a repeal of the existing laws on the subject of slavery in this District might not affect any actual subsisting right, it is obvious that no property could be thereafter acquired in any person, not living, or held in service in the District, at the time of such repeal.

But I go further, sir. If Congress, under the clause giving it "exclusive legislation in all cases whatsoever" over the District, has authority to impose taxes, and provide how they shall be raised, for local and municipal purposes, I do not see why it has not the power, by means of taxation, to effect the abolition of slavery here. I say nothing of the right or justice of exerting the power for such a purpose. I speak only of the power, and of its capacity to be used to accomplish such an end. But, however this may be, I hold that Congress, if the public interest and welfare require it, may directly, and at once, emancipate the slaves, on making a just compensation to the owners. The clause in the constitution which regulates the taking of private property for public use is not, in my opinion, restricted to such property merely as may be converted and applied to the use and emolument of the public. I think the word use, in the constitution, is to be understood in a liberal sense, as equivalent to purpose or benefit; and that whatever is taken for public purposes, or for the public benefit, is taken for public use, within the meaning of the constitution. Neither justice, nor the security of private rights, would seem to demand any other or different construction. No principle of justice can be violated, nor can private property be exposed to wrongful and unjust invasions of power, when an equivalent is required to be rendered. A more strict, narrow, and limited interpretation, would be obviously less beneficial, and does not appear to be called for either by the words or the intent of the constitution. Such an interpretation would not only be an unnecessary and inconvenient restraint upon the power of the Legislature, but might prevent, in many instances, the accomplishment of objects of the greatest importance; objects of the highest interest and utility to the community. The equivalent prescribed and guarantied by the constitution is a sure and sufficient security against any abuse of the power; and it certainly is not unreasonable that private rights should yield, on terms of just compensation, to the paramount rights of the public, so far, and to such extent, as the interest and welfare of the public may require, or as may be necessary to effectuate great and useful public purposes.

These, sir, are my doctrines upon this very interesting and important subject. I have stated them briefly but frankly; giving a glimpse, rather than a view, of the reasons by which they may be sustained. I have felt it incumbent upon me to say something, and I could not, in the proper discharge of my duty here, well say less.

I have not been able to persuade myself that it would subserve the cause of truth and justice, contribute at all to the peace of the country, or serve in any degree to strengthen the union of these States, to withhold the expression of our real opinions upon this question. The people should not be blinded upon this subject, any more than upon any other. Since it is agitated, it is due to the country, it is due both to the North and to the South, to state explicitly the views we entertain upon this most important matter. To know that Congress has the power to abolish slavery in this District, need not, and will not, produce alarm or apprehension in any quarter of the Union. The people every where must feel assured, and ought to rest satisfied, that this power, like all other powers under the constitution, will be exercised with becoming wisdom and discretion; with a just regard to the interests, not only of this District, but of the whole country. They ought to know, and must know, that when policy, expediency, and justice, concur in the measure; when it can be adopted with safety to the Union, and security to all, then, and then only, will the power be exercised; and that, when exercised, it will be in such manner as shall neither disturb the public tranquillity nor violate the sanctity of private rights.

Sir, I think the time must come, and will come, when slavery will cease to exist in this District. The opinion of all Christendom, the opinion of the civilized world, is becoming uniform and settled on the general subject of slavery. Its influence must be felt. It cannot always be resisted; and the time will come when southern men will cease their opposition to a measure, to which they now feel, and I have no doubt sincerely feel, that they cannot yield their assent, without danger, great and imminent danger, to the social relations and established institutions of the States in which they live.

When Mr. PRENTISS had concluded,

Mr. WEBSTER expressed briefly his judgment as to the proper course to be taken with these petitions. He thought they ought to be received, referred, and considered. That was what was usually done with petitions on other subjects, and what had been uniformly done, heretofore, with petitions on this subject also.

Those who believed they had an undoubted right to petition, and that Congress had undoubted constitutional authority over the subjects to which their petitions related, would not be satisfied with a refusal to receive the petitions, nor with a formal reception of them, followed by an immediate vote rejecting their prayer. In parliamentary forms there was some difference between these two modes of proceeding, but it would be considered as little else than a difference in mere form. He thought the question must at some time be met, considered, and discussed. In this matter, as in others, Congress must stand on its reasons. It was in vain to attempt to shut the door against petitions, and expect in that way to avoid discussion. On the presentment of the first of these petitions, he had been of opinion that it ought to be referred to the proper committee. He was of that opinion still. The subject could not be stifled. It must be discussed, and he wished it should be discussed calmly, dispassionately, and fully, in all its branches, and all its bearings. To reject the prayer of a petition at once, without reference or consideration, was not respectful; and in this case nothing could be possibly gained by going out of the usual course of respectful consideration.

Mr. PRESTON now took the floor, and spoke as follows:

Mr. President, I deeply regret the course which this discussion has taken. I have observed its progress with much pain, with a feeling of anxiety and depression which I find great difficulty in expressing. It has been mixed up with all those small topics of party and personal bitterness which, whether properly or not, enter so largely into the ordinary debates of the Senate, but which are altogether misplaced, and dangerous, when connected with the consideration of those deep and vital interests involved in any discussion of the institution of slavery. It is very desirable, as has been well suggested by the Senator from Massachusetts, that, if we must deliberate on this subject, we do so with all the calmness possible, and with a deliberate and combined effort to do what is best under the perilous circumstances which surround us, uninfluenced by the paltry purposes of party. In whatever temper you may come to it, the discussion is full of danger. The fact that you are deliberating on the subject of slavery, inspires my mind with the most solemn thoughts. No matter how it comes before you, no matter whether the questions be preliminary or collateral, you have no jurisdiction over it in any of its aspects. These doors should be closed against it; for you have no right to draw into question here an institution guarantied by the constitution, and on which, in fact, the right of twenty-two Senators to a seat in this body is founded; and, emphatically, you have no right to assail, or to permit to be assailed, the domestic relations of a particular section of the country, which you are incapable of appreciating, of which you are necessarily ignorant, which the constitution puts beyond your reach, and which a fair courtesy, it would seem, should exempt from your discussion. It exacts some patience in a southern man to sit here and listen, day after day, to enumerations of the demoralizing effects of his household arrangements, considered in the abstract—to hear his condition of life lamented over, and to see the coolness with which it is proposed to admit petitioners who assail, and villify, and pity him, on the ground that it would hurt their feelings if we do not listen to them. We sit here and hear all this, and more than this. We hear ourselves accused of being agitators, because we ask the question, Is it the pleasure of the Senate to hear those who thus assail us? As yet, Mr. President, the incendiaries are but at your door demanding admittance, and it is yet within your power to say to them that they shall not throw their burning brands upon this floor, or propagate the conflagration through this Government. Before you lend yourself to their unhallowed purposes, I wish to say a word or two upon the actual condition of the abolition question; for I greatly fear, from what has transpired here, that it is very insufficiently understood, and that the danger of the emergency is by no means estimated as it ought to be. God forbid that I should permit any matter of temporary interest or passion to enter into what I am about to tell you of the real dangers which environ us. My State has been assailed. Be it so. My peculiar principles have been denounced. I submit to it. Sarcasms, intended to be bitter, have been uttered against us. Let them pass. I will not permit myself to be disturbed by these things, or, by retorting them, throw any suspicion on the temper in which I solemnly warn both sections of this Union of the impending dangers, and exhort this Senate to do whatever becomes its wisdom and patriotism under the circumstances. Let us not shut our eyes, sir, on our condition. Some gentlemen have intimated that there is a purpose to get up a panic. No, no, sir, I have no such purpose. A panic on this subject is a disaster. The stake is too great to play for under a panic. In the presence of so much danger as I solemnly believe exists, I would rather steady every mind to the coldest contemplation of it, than endeavor to excite my own, or the feelings of others, by adventitious stimulants. If I over-estimate the magnitude of the dangers which threaten us, it is in spite of myself, against my wishes, and after the most deliberate consideration.

Look round, then, sir, on the circumstances under which these numerous and daily increasing petitions are sent to us. They do not come as heretofore, singly, and far apart: from the quiet routine of the Society of Friends, or the obscure vanity of some philanthropic club, but they are sent to us in vast numbers, from soured and agitated communities; poured in upon us from the overflowing of public sentiment, which, every where, in all western Europe and eastern America, has been lashed into excitement on this subject. Whoever has looked at the actual condition of society, must have perceived that the public mind is not in its accustomed state of repose, but active, and stirred up, and agitated, beyond all former example. The bosom of society heaves with new and violent emotions. The general pulse beats stronger and quicker than at any period since the access of the French revolution. Public opinion labors, like the priestess on her tripod, with the prophecy of great events. In Germany, in France, and in England, there is a great movement party organized upon the spirit of the times, whose tendency is to overturn established institutions, and remodel the organic forms of society; for whose purposes the process of experiment is too slow, and the action of reason too cold; whose infuriated philanthropy goeth about seeking whom it may devour. To these ethical or political enthusiasts, the remote and unsustained institution of slavery offers at once a cheap and fruitful subject. Accordingly, it is known that the *doctrinaire* and *juste milieu* party of France, and its leading paper, the Journal des Debats, conducted with much ability, is devoted to the purposes of abolitionism. The Duc de Broglie, prime minister of France, with St. Domingo before his eyes, is president of an abolition society, having in view the manumission of the slaves in the French West Indies.

But the state of feeling in England has a much more direct influence upon us, and is therefore of more important investigation. She exercises a vast power over the public mind of this country, and especially of the northeastern portion of it. An intense and immediate sympathy binds them together. The same literature, laws, and language—to a certain extent, the same political institutions—and so bound up together, or rather interwoven, by a vast and infinitely ramified intercourse, that the inhabitants of the northern and middle States are more familiar with the daily press of England than with that of their own country south of the Potomac.

What, then, sir, is the condition of this slave question in England? The English Parliament, not only with the approbation, but at the instance of the English people, has liberated the slaves of the West Indies. The rights of individuals, the public interest, the existence of the colonies, could not arrest the torrent of public opinion: all are swept away. A Government laboring under a load of public debt, and a people oppressed by enormous taxation, have given one hundred millions of dollars for the abolition of slavery; have destroyed the most cherished colonies, and trampled upon the rights of private property. This is a lesson of terrible admonition to us; and let not the history of the progress of events in England be thrown away. It is but forty or fifty years since, that the abolition of slavery was conceived in England, by a weak enthusiast in Parliament, and a cloistered scholar of Oxford, whose heated imagination was directed to this subject by accident, or by that unseen but potent spirit of the times which, pervading the general mass of intellect, is at first known only by its effects upon individual minds peculiarly adapted to its influences. Wilberforce and Clarkson were not attended to—neglected, despised: the planters lulled themselves into a fatal security: the politicians addressed them then as they do us now. The member of Parliament gradually brought to his assistance a small neutral party in politics—the scholar poured his declamation from the press. The great parties in Parliament courted the neutrals; the public ear became familiarized to the denunciations of Clarkson. Still, the planters reposed in security, and the politicians said there is no danger.

The Edinburgh Review, in 1817, held this language:

"It is scarcely necessary to premise that the advocates for the abolition of the slave trade most cordially reprobate all idea of emancipating the slaves already in our plantations. Such a scheme, indeed, is sufficiently answered by the story of the galley-slaves in Don Quixote; and we are persuaded never had any place in the minds of those enlightened and judicious persons who have contended in this cause."

Quoting this passage in 1819, Mr. Walsh, in his appeal, says:

"The most zealous of the English philanthropists have not carried their views so far, with respect to West India slavery, as its immediate or speedy abolition."

And he adds:

"So late as 1817, Lord Holland, one of the most devoted amongst the associates of Mr. Wilberforce, moved, in the House of Peers, a petition to the Prince Regent, praying that the idea of emancipating the slaves in the West Indies might be disowned by royal proclamation throughout the islands, which was done accordingly."

And now, look to Jamaica for the result. Look, too, sir, to the sway and dominion which the principles and feelings of Wilberforce and Clarkson have obtained over the whole public mind. The daily press, the periodicals, works of political economy and of fiction, the whole mass of literature, is filled and reeking with abolitionism. Every channel which feeds the public intelligence is choked with it. Every topic which can arouse attention, or inflame the imagination, is perverted into its service. Christendom is invoked to join in the crusade. Abolition societies are multiplied, and nobles and commoners press into them with equal zeal. Meetings are held, in which are found together the proudest titles and the starving operatives. The condition of the Africans has ceased to be matter of discussion, and is given up to declamation. Cant has been stimulated into passion, and passion inflamed into fury. A morbid sensibility has been roused for the African, and has outrun the general excitement. A sort of *crevasse* has broken from the main stream of public excitement, and pours itself upon Africa. With a strong perception of this feeling, O'Connell exclaimed in the British Parliament, while claiming its attention to the infinitely worse condition of the Irish Catholics, "Would to God we were black."

The smartness of debate might reply to me, that all this is the march of mind, the progress of reason, before which the institutions of the South must eventually give way. It rarely happens, sir, that a fixed public opinion, properly so called, manifests itself by such violence and fury as characterize the proceedings of abolitionism, or that the progress of reason is attended by such contortions. Those who assail us know nothing of the institution which they denounce—nothing of its complex and various character. They have not seen it in its actual existence, are ignorant of the facts about which they pretend to reason, and cannot comprehend the consequences of their proceedings.

But what is it to me or you, sir, sitting here under the constitution, whether it be the march of mind or of madness that is treading under foot that instrument to get at those institutions? Whether it be opinion or phrensy, whether it be destiny or fashion, you have no right to decide upon it, or to consider of it. We are neither a college nor a club, but a constitutional assembly, whose business it is to maintain the constitution, and defend the rights it guaranties; and it is equally our duty to do so, whether public opinion or madness rules the hour. I protest against your jurisdiction of any abstract proposition on this or any other subject. My object is to rouse this Senate, and, as far as I can be heard, these States, to a just sense of the impending dangers; and let me ask, sir, if this danger would be diminished by attributing these petitions to the dictates of reason, rather than to the ravings of fanaticism?

Clarkson and Wilberforce have done their work! How many such men are now in the field, in this country, at our doors, Mr. President, pressing on to this work of devastation and massacre! Let us look at the state of things in our own country, and at the moment of our deliberations.

It is of the utmost consequence to both sections of the Union that we make an accurate review of our position. We should not resign our minds to a stolid stoicism, which awaits danger, without resorting to the means of avoiding it, or to that counterfeit courage which sustains itself by underrating the power of its assailant. Let us not diminish the difficulties, that we may excuse our impotence or indolence in overcoming them. The best way to avoid danger is to meet it plump.

Mr. President, I thank gentlemen of the Senate from non-slaveholding States for the very strong assurances they have given us of their decided opposition to the purposes and practices of the abolitionsts. I receive their declarations with unhesitating confidence in their candor, and unfeigned gratitude; and I am firmly persuaded that they, as well as many members from my own section, suppose that the agitation is made by a few infatuated men, whose frothy philanthropy, if not whipped up by our discussions, will in a short time subside.

But I beg to call the attention of such, in the first place, to the avowals which have been made by the Senator from Vermont. The honorable Senator, [Mr. PRENTISS,] with his characteristic earnestness, and with the weight communicated to every thing he says, by the high estimate of his worth and ability, and the known gravity of his mode of thinking, has informed us that amongst these petitioners are men of as much worth and patriotism as are to be found any where; and the honorable gentleman himself vindicates the petitioners by the authority of his co-operation, when he declares here in his place that Congress is constitutionally endowed with the power of manumitting the slaves in this District, and that it is expedient to exercise this power. But a short time since, the Legislature of the State which the gentleman represents passed resolutions that the matter of slavery ought not to be agitated. Now, the Senator thinks it expedient to act. His colleague, too, assures us that the progress of the agitation in Vermont is greatly accelerated; that seven societies have been recently organized in one county; and that he hears of societies springing up in quarters, remote neighborhoods, where he had supposed that abolition had scarcely been heard of. Is there nothing in these facts?

Five hundred societies are now organized, and in active operation, and daily increasing in numbers. Is there nothing in this? In these wide-spread associations are there none but the weak and base; a noisy and impotent rabble, which will fret itself into exhaustion? Or are they composed, as all such popular movements are, of a mixed multitude of all those whom wild enthusiasm, mistaken piety, perverted benevolence, and blind zeal, hurry and crowd together to swell the torrent of public enthusiasm, when it sets strongly towards a favorite object? However humbly I may think of the wisdom of these people, I do place a high estimate upon their zeal and enterprise. We have seen what these qualities effected in England on this subject, and they are not less efficacious here. There is at this moment in New York an association of twenty-five men of wealth and high standing, who, with a spirit worthy of a better cause, have bound themselves to contribute $40,000 a year to the propagation of abolition doctrines through the press. Five of these pay $20,000 a year, and one $1,000 a month. Such is the spirit, and such the means to sustain it.

Again I demand, sir, do these things indicate nothing? The press is subsidized; societies for mutual inflammation are formed; men, women, and children, join in the petitions; rostrums are erected; itinerant lecturers pervade the land, preaching up to nightly crowds a crusade against slavery. The pulpit resounds with denunciations of the sin of slavery, and infuriate zealots unfurl the banner of the cross as the standard to which the abolitionist is to rally. The cause of anti-slavery is made identical with religion, and men and women are exhorted by all that they esteem holy, by all the high and exciting obligations of duty to man and to God, by all that can warm the heart or inflame the imagination, to join in the pious work of purging the sin of slavery from the land. Gentlemen have told us of the array of the reverend clergy on these petitions. Infatuated and deluded men! In the name of charity, they lay a scene of blood and massacre; in the blasphemed name of the religion of peace, they promote a civil and servile war; they invoke liberty to prostrate the only Government established for its preservation. But what voice can penetrate the deafness of fanaticism? It neither hears nor sees, nor reasons; but feels, and burns, and acts, with a maniac force.

Nor are the all-exciting topics of religion the only sources from which this turbid and impetuous stream is swollen. All the sympathies of the American heart for liberty, (the word itself has a magic in it,) achieved through war and revolution, are perverted into it. When the war-cry is God and Liberty—when it is thundered from the pulpit, and re-echoed from the press, and caught up and shouted forth by hundreds of societies, until the whole land rings with it, shall we alone not hear it, or, hearing it, lay the flattering unction to our souls that it portends nothing? Be not deceived, I entreat, gentlemen, in regard to the power of the causes which are operating upon the population of the non-slaveholding States. The public mind in those States has long been prepared for the most favorable reception of the influences now brought to bear upon it. It has been lying fallow for the seed which is now sown broadcast. A deep anti-slavery feeling has always existed in the northern and middle States; it is inscribed upon their statute books. Each, in succession, impelled by this feeling, has abolished slavery within its own jurisdiction; and what has been effected there, without as yet any fatal consequences, unreflecting ignorance will readily suppose may be effected every where, under all circumstances. The spirit of propagandism is in proportion to the distance of the object and the ignorance of the propagandist. Of the whole population of those States, ninety-nine hundredths regard the institution with decided disapprobation, and scarcely a less proportion entertain some vague desire that it should be abolished, in some way, at some time, and believe that the time will come, and the mode be devised. They believe that slavery is bad in the abstract, and not incurable as it exists. The remoteness of it from themselves makes them at once more ignorant of its actual condition and bolder in suggesting remedies. It is to such a temper of mind that the inflammatory appeals I have spoken of are addressed.

But there is still another element of power, scarcely less than either of those I have adverted to, which the incendiaries will not be slow to avail themselves of. Cast your eyes, sir, over the States where they have already gained foothold, and mark the eagerness and equality with which two great political parties are struggling for ascendency. Animated by the utmost intenseness of party spirit, and in the very height of a contest of life and death, they will be willing to snatch such arms as fury may supply, and avail themselves of such auxiliaries as chance may offer. A third party, even were it less numerous than the abolitionists, occupying for a time a neutral position, will of course be able to decide the controversy. Each party will dread its accession to the other, and each may, perhaps, in turn, court its influence. Thus its consequence is enhanced, and, deriving strength from position, it acquires a new principle of augmentation, until it becomes sufficiently powerful to absorb one or the other of the contending parties, and become itself the principal in the controversy. Then are added party spirit, political ambition, local interests; and, with all this aggregation of strength and power, think you, sir, that abolitionism, at your next session, will pause at your door, waiting to see if it be your pleasure to ask it in? Even now, sir, candidates for popular favor begin to feel the influence of this new power. The very fact of the reluctance which we all feel to agitate this matter here bespeaks our fears of exasperating the strength which we instinctively know resides in the abolitionists. Gentlemen say we must tread softly, lest we wake the giant; we must not breathe upon the spark, lest it burst into a blaze; we must bow down before the coming storm until it blows over, for fear that it will prostrate us if we stand up; and, while the policy of such a course is urged, we are told there is no danger.

No gentleman will suppose that I take pleasure in indicating the causes of growth or the present strength of the abolitionists, or would willingly exaggerate them. It is not, I confess, without the deepest apprehensions that I contemplate them; but my chief fears arise from the supineness with which they are regarded here, on both sides of the House. We repose in a false and fatal security. I am amazed and dismayed at the view which my friends have taken of these matters. I know well that their interest is identical with mine. I know their honor and candor; and most willingly would I indulge in their soothing hopes, if the deepest sense of the most imperious duty did not exact of me to call upon them to awake to a sense of the danger, and be prepared to meet it with a thorough comprehension of its import; and, as a member of the Senate of the United States, I warn and exhort gentlemen to take early and decided counsel as to what is fit to be done. The occasion concerns us all, not perhaps in an equal degree, but it deeply concerns all who feel, as I do, a profound veneration for the constitution, and an ardent love for the Union. I conjure the Senators from the non-slaveholding States to approach this subject with a steady regard and unfaltering step; to come to the task at once, before it is too late; to interpose all the authority of this Government between the incendiaries and their fatal purposes; and to pledge the moral weight of their individual characters against them.

I heartily approve the sentiments which have been generally avowed in the Senate, and appreciate the patriotic feelings which gentlemen have expressed in regard to the abolitionists. I have read with unfeigned pleasure the wise communication of the Governor of New York to his Legislature, and am gratified to believe that there is a mass of intelligence and worth in that great State, as well as in others of the northern and middle States, which deeply disapprove of these proceedings. But what I fear is, that neither here nor elsewhere is there a sufficient perception of the imminence of the danger, or the potency and permanency of those causes which create it. Even honorable gentlemen from the South, who have all at stake; around whose hearths, and in whose bed-chambers, the cry of thousands is invoking murder, in the name of God and liberty—with the example of Jamaica and St. Domingo before them, even they are not sufficiently aroused to the emergency. I entreat them to awake; I invoke gentlemen from all quarters, of all parties, to unite at once, to combine here, in the adoption of the strongest measures of which this Government is capable, and thus to enter into mutual pledges to oppose, by all possible means, and to the last extremity, the destructive and exterminating doctrines of these terrible incendiaries. Signalize your opposition by the most decided action. Stamp their nefarious propositions with unqualified reprobation. Throw the whole authority of this Government against them. Pledge the authority of each Senator in his own State. Say to the abolitionists that this Government will, in no event, be made an instrument in your hands. Say to the South that this pestilential stream shall not be poured upon you through these halls. Give us the strongest measures. If you cannot adopt the proposition of my colleague, let us know what you can do. The matters before us are of the deepest consequence, and it may, perhaps, not be within the competence of this Government to effect an entire remedy of the evil. Something, however, can be done; you may, at least, save yourselves from becoming either passively or actively accessary to the result. Erect yourselves into a barrier between opposing sections. Save the Union if you can.

If things go much farther, you may find this no easy matter. Recent experience has, thank God, demonstrated that this Government is not strong enough to produce disunion. Will it be strong enough to prevent it if proceedings go on, which inevitably make two people of us, warring on a question which, on the one side, involves existence, and, on the other, arrays all the fury of fanaticism? Think you, sir, that, if you have not the spirit or power to trample out the brand that is thrown amongst us, you can yet bring help when the whole land is wrapped in conflagration? If, however, in your judgment it is not competent or expedient to act decisively, tell us so. Let us know what you can or will do, and we will consider it, and bring to the consideration of it a candid and conciliatory temper, anxious to find safety for the constitution in your measures. Our own safety is in our own keeping. I will not more than allude to it, for fear of misconstruction; but, while with [illegible]most painful emotions I have adverted to the dangers [illegible] our situation, while with the most profound solicitude I entreat the Senate to guard against them, I know that the South has the power and the will to vindicate its rights and protect itself. Even if it were destitute of the high spirit which characterizes it, if it were without the resourses which abound there, it would be forced into a position of self-defence by the inexorable necessities of self-preservation. The South has drawn deep lessons of instruction from the colonial history of France and England. St. Domingo and Jamaica were colonies subject to the dominion of a foreign Power, and perished because they were colonies. Their disastrous history is not recorded in vain. I will not pursue this topic. I am here a member of the Senate of the United States, impressed with a sense of my federal duties, and, in discharge of them, have felt myself compelled to state my conception of the perilous circumstances in which we are, because I fear there is a fatal misconception in regard to them. It is possible, sir, that I may have conceived them too strongly. I wish it may turn out so. It is erring on the safe side to magnify the strength of the enemy, if you intend to encounter him with fortitude and just preparation. Many friends near me see nothing on the horizon but a floating cloud, which the summer breeze will drive away. I see, or think I see, the gathering of a tempest, surcharged with all the elements of devastation. If they be right, it is happy for us all; but if they be wrong, and I right, and the blessed moments of preparation are thrown away until the storm bursts, they incur an awful responsibility.

Mr. President, I have troubled you with great reluctance. It is very painful to me to hear these matters debated here. The presentation of these petitions forces the subject upon us; but it is every way disagreeable. I trust the Senate will bring the unprofitable debate to a speedy termination by a prompt and efficient discharge of its high duties; and, for one, I shall be silent until it acts.

When Mr. Preston had finished his remarks,

On motion of Mr. BUCHANAN, the subject still being up,

The Senate adjourned.

WEDNESDAY, MARCH 2.

A message was received from the President of the United States enclosing a communication from the Secretary of State on the subject of the discriminating duties with Portugal; which was ordered to be referred to the Committee on Commerce.

The following is a copy of the message:

WASHINGTON, *Feb.* 29, 1836.

To the Senate and House of Representatives of the United States:

I transmit a report of the Secretary of State, communicating an application from the chargé d'affaires of Portugal for the passage by Congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels imported into the United States from those parts of the dominions of Portugal in which no discriminating duties are charged upon the vessels of the United States or their cargoes; and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced, since the 18th of April, 1834. I also transmit a copy of the correspondence which has taken place on the subject between the Department of State and the chargé d'affaires of Portugal.

The whole matter is submitted to the discretion of Congress, with this suggestion, that, if an act should be passed, placing the cargoes of Portuguese vessels coming from certain parts of the territories of Portugal on the footing of those imported in vessels of the United States, or deciding upon the propriety of restoring the duties heretofore levied, and the time to which they shall be restored, regard should be had to the fact that the decree of the 18th of April, 1834, which is made the basis of the present application, took effect in the islands of Madeira and the Azores many months after its promulgation; and to the more important fact that, until the 1st of February instant, an indirect advantage was allowed by Portugal to importations from Great Britain over those from other countries, including the United States.

ANDREW JACKSON.

ABOLITION OF SLAVERY.

The Senate proceeded to consider the petition of the Society of Friends in Pennsylvania, praying for the abolition of slavery in the District of Columbia.

The question being on the motion of Mr. CALHOUN that the petition be not received,

Mr. BUCHANAN said it was not now his intention to repeat any thing he had said on a former occasion in regard to the abolition of slavery in this District. The remarks which he had then made, after much reflection, still met his entire approbation. He would not now have alluded to them, were it not for the misapprehension which still appeared to prevail upon this floor in regard to the state of northern feeling on this subject. Those remarks had, he believed, been more extensively circulated throughout Pennsylvania than any which he had ever made upon any occasion. If they had been censured any where in that State, by any party, the fact was unknown to him. On the contrary, he had strong reasons to believe they had been received with general approbation.

Mr. B. said he was not in the habit of using private letters to sustain any position which he might take upon this floor or elsewhere. He would say, however, that, since he had presented the memorial now the subject of consideration before the Senate, he had received another memorial of a similar character from the city of Philadelphia. This memorial had been transmitted to him by two gentlemen whose names and character would be the strongest guarantee for the truth of their assertions, did he feel himself at liberty to make them known to the Senate. He would not even have alluded to their letter, but it related to a public subject in which the country was deeply interested, and accompanied the memorial which they had requested him to present to the Senate. The following is an extract from this letter:

"Although we have not the pleasure of thy acquaintance, permit us on this occasion to express our satisfaction with thy remarks in the Senate some weeks since, in which the opinion was forcibly sustained that no sensible man at the North would advocate the right of Congress to interfere with the subject of slavery in the slave States themselves. We are fully persuaded this is the fact in our neighborhood.

"In a pretty extensive acquaintance with the friends of abolition in this city, we unhesitatingly declare that we have never heard such an opinion advocated, and we defy our opponents to point out a man that has ever circulated any publication calculated to produce discord in the southern States.

"But whilst we fully recognise this view, we are aware that the constitution guaranties to us the right of memorializing Congress on any subject connected with the welfare of the District of Columbia, and we intend ever to exercise it in the spirit of charity and good feeling."

Mr. B. believed this statement to be true. Although all the people of Pennsylvania were opposed to slavery in the abstract, yet they would not sanction any attempts to excite the slaves of the southern States to insurrection and bloodshed. Whilst they know their own rights, and would maintain them, they never would invade the rights of others which had been secured by the federal constitution. He was proud to say this had always been the character and the conduct of the State which he had in part the honor to represent in her relations with her sister States.

Mr. B. said he felt himself justified in declaring that Pennsylvania was perfectly sound upon this question. Abolitionists there may be in Pennsylvania, but it had never been his fate to meet a single one. If we have a man amongst us who desires, by the circulation of incendiary publications and pictures throughout the slaveholding States, to produce a servile insurrection, and thus to abolish slavery, he knew him not. In the language of the letter he had just read, whatever might be the case further north, he might defy any gentleman to point out a man in Pennsylvania who has ever circulated any publication calculated to produce discord in the southern States. He had heard within the last few days that emissaries were now travelling throughout Pennsylvania for the purpose of propagating the doctrine of immediate abolition. He thought he might venture to predict that they would fail in their attempts.

Although he did not mean at present to discuss the general question, yet the Senator from South Carolina [Mr. PRESTON] must permit him to say that, in his remarks of yesterday, he had done much to dignify the cause of abolition, and to give its supporters a character which they did not deserve.

Mr. B. was not so well able to judge what effect those remarks might produce on the South; but he protested against the accuracy of the statements which that gentleman had made in regard to the condition of northern feeling on this subject. His information had been incorrect. If the gloomy coloring of the picture which he had presented could be considered any thing but a fancy sketch, the South might believe that the time had arrived when it would be their duty to decide whether it was not necessary to dissolve this Union, for the protection of their rights. Mr. B. thought far otherwise. This crisis has not arrived, and, he trusted, never would arrive. The force of public opinion will prostrate this fanatical and dangerous spirit. He must say, however, that the enemies of the cause of abolition at the North had a right to expect that gentlemen from the South would not adopt a course which might tend to increase our difficulties. They ought to permit us to judge for ourselves in this matter, and to throw no obstacles in our way which the nature of the subject does not necessarily present.

Let it once be understood that the sacred right of petition and the cause of the abolitionists must rise or must fall together, and the consequences may be fatal. I would, therefore, warn southern gentlemen to reflect seriously in what situation they place their friends to the North, by insisting that this petition shall not be received.

We have just as little right to interfere with slavery in the South as we have to touch the right of petition. Whence is this right derived? Can a republican Government exist without it? Man might as well attempt to exist without breathing the vital air. No Government possessing any of the elements of liberty has ever existed, or can ever exist, unless its citizens or subjects enjoy this right. From the very structure of your Government, from the very establishment of a Senate and House of Representatives, the right of petition naturally and necessarily resulted. A representative republic, established by the people, without the people having a right to make their wants and their wishes known to their servants, would be the most palpable absurdity. This right, even if it were not expressly sanctioned by the constitution, would result from its very nature. It could not be controlled by any action of Congress, or either branch of it. If the constitution had been silent upon the subject, the only consequence would be, that it would stand in the very front rank of those rights of the people which are expressly guarantied to them by the ninth article of the amendments to that instrument, inserted from abundant but necessary caution. I shall read this article. It declares that "the enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people." It would, without any express provision, have stood in the same rank with the liberty of speech and of the press, and have been entirely beyond the control of the Government. It is a right which could not have been infringed without extinguishing the vital spirit of our institutions. If any had been so bold as to attempt to violate it, it would have been a conclusive argument to say to them that the constitution has given you no power over the right of petition, and you dare not touch it.

The Senator from South Carolina [Mr. Calhoun] has justly denominated the amendments to the constitution as our bill of rights. The jealousy which the States entertained of federal power brought these amendments into existence. They supposed that, in future times, Congress might desire to extend the powers of this Government, and usurp rights which were not granted them by the people of the States. From a provident caution, they have, in express terms, denied to Congress every sort of control over religion, over the freedom of speech and of the press, and over the right of petition. The first article of the amendments declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Now, sir, what is the first position taken by the Senator from South Carolina against receiving this memorial? I desire to quote him with perfect accuracy. He says that the constitution prohibits Congress from passing any law to abridge the right of petition; that to refuse to receive this petition would not be to pass any such law, and that, therefore, the constitution would not be violated by such a refusal.

Does not the Senator perceive that, if this doctrine can be maintained, the right of petition is gone for ever? It is a mere empty name. The Senate would possess the power of controlling it at their will and pleasure. No matter what may be the prayer of any petition, no matter how just may be the grievances of the people demanding redress, we may refuse to hear their complaints, and inform them that this is one of our prerogatives; because, to refuse to receive their petition is not the passage of a law abridging their right to petition. How can the gentleman escape from this consequence? Is the Senate to be the arbiter? Are we to decide what the people may petition for, and what they shall not bring before us? Is the servant to dictate to the master? Such a construction can never be the true one.

The most striking feature of this argument is, that the very article of the constitution which was intended to guard the right of petition with the most jealous care is thus perverted from its original intention, and made the instrument of destroying this very right. What we cannot do by law, what is beyond the power of both Houses of Congress and the President, according to the gentleman's argument, the Senate can of itself accomplish. The Senate alone, if his argument be correct, may abridge the right of petition, acting in its separate capacity, though it could not, as one branch of the Legislature, consent to any law which would confer upon itself this power.

What is the true history and character of this article of the constitution? In the thirteenth year of the reign of that "royal scoundrel," Charles II, as the Senator from Virginia [Mr. Leigh] has justly denominated him, an act of Parliament was passed abridging the right of petition. It declared that "no petition to the King or either House of Parliament, for any alteration in church or state, shall be signed by above twenty persons, unless the matter thereof be approved by three justices of the peace, or the major part of the grand jury in the county; and in London by the lord mayor, aldermen, and common council; nor shall any petition be presented by more than ten persons at a time." Each Senator will readily perceive that the right of petition was thus laid almost entirely prostrate at the feet of the Sovereign. The justices of the peace, and the sheriffs who selected the grand juries, were his creatures, appointed and removed at his pleasure. Out of the city of London, without their consent, no petition for an alteration in church or state could be signed by more than twenty individuals. At the revolution of 1688, the bill of rights guarantied to English subjects the right of petitioning the King, but the courts of justice decided that it did not repeal the statute of the second Charles. This statute still remained in force at the adoption of the federal constitution. Such was the state of the law in that country, from which we have derived most of our institutions, when this amendment to the constitution was adopted.

Although the constitution, as it came from the hands of its framers, gave to Congress no power to touch the right of petition, yet some of the States to whom it was submitted for ratification, apprehending that the time might arrive when Congress would be disposed to act like the British Parliament, expressly withdrew the subject from our control. Not satisfied with the fact that no power over it had been granted by the constitution, they determined to prohibit us, in express terms, from ever exercising such a power. This is the true history of the first article of our bill of rights.

Let me put another case to the Senator from South Carolina. Some years since, as a manager on the part of the House of Representatives, I had the honor to appear before this body, then sitting as a high court of impeachment. In that case, the accused, when sitting as a district judge of the United States, had brought an attorney of his court before him by an attachment for contempt, and, without any trial by jury, had convicted him of a libel, and sentenced him to imprisonment. The judge was acquitted; and at the moment I thought this decision had placed the freedom of the press in danger. If the sedition law were clearly unconstitutional, and nobody now doubts it; if Congress could not confer upon the courts of the United States, by express enactment, any power over the question of libel, I thought it monstrous that a judge, without the intervention of a jury, under highly excited feelings, should be permitted to try and to punish libels committed against himself according to his will and pleasure. My apprehensions were of but short duration. A few days after the acquittal of this judge, the Senate, without one dissenting voice, passed a bill, not to create a new law, but declaratory of what the old law, or rather what the constitution was, under which no federal judge will ever again dare to punish a libel as a contempt. The constitutional provision in favor of the liberty of the press was thus redeemed from judicial construction.

Now, sir, we must all admit that libels of the grossest character are daily published against the Senate and its individual members. Suppose an attempt should be made to bring one of these libellers before us, and to punish him for a contempt, would the gentleman from South Carolina contend that we might do so without violating the constitution, and that we might convict him and sentence him to imprisonment, because such a conviction and sentence would not be the passage of a law abridging the freedom of the press? The gentleman's excited feelings upon the subject of abolition have led his judgment astray. No construction can be correct which would lead to such palpable absurdities.

The very language of this amendment itself contains the strongest recognition of the right of petition. In the clearest terms, it presupposes its existence. How can you abridge a right which had no previous existence? On this question I deem the argument of my friend from Georgia [Mr. KING] conclusive. The amendment assumes that the people have the right to petition for the redress of grievances, and places it beyond the power of Congress to touch this sacred right. The truth is, that the authors of the amendment believed this to be a Government of such tremendous power, that it was necessary, in express terms, to withdraw from its grasp their most essential rights. The right of every citizen to worship his God according to the dictates of his own conscience, his right freely to speak and freely to print and publish his thoughts to the world, and his right to petition the Government for a redress of grievances, are placed entirely beyond the control of the Congress of the United States, or either of its branches. There may they ever remain! These fundamental principles of liberty are companions. They rest upon the same foundation. They must stand or must fall together. They will be maintained so long as American liberty shall endure.

The next argument advanced by the gentleman is, that we are not bound to receive this petition, because to grant its prayer would be unconstitutional? In this argument I shall not touch the question, whether Congress possess the power to abolish slavery in the District of Columbia or not. Suppose they do not, can the gentleman maintain the position that we are authorized by the constitution to refuse to receive a petition from the people, because we may deem the object of it unconstitutional. Whence is any such restriction of the right of petition derived? Who gave it to us? Is it to be found in the constitution? The people are not constitutional lawyers; but they feel oppression, and know when they are aggrieved. They present their complaints to us in the form of a petition. I ask, by what authority can we refuse to receive it? They have a right to spread their wishes and their wants before us, and to ask for redress. We are bound respectfully to consider their request; and the best answer which we can give them is, that they have not conferred upon us the power, under the constitution of the United States, to grant them the relief which they desire. On any other principle we may first decide that we have no power over a particular subject, and then refuse to hear the petitions of the people in relation to it. We would thus place the constitutional right of our constituents to petition at the mercy of our own discretion.

Again, sir, we possess the power of originating amendments to the constitution. Although, therefore, we may not be able to grant the petitioners relief, such a petition may induce us to exercise this power, and to ask for a new grant of authority from the States.

The gentleman's third proposition was, that we are not bound to receive this petition, because it is no grievance to the citizens of any of the States that slavery exists in this District. But who are to be the judges, in the first instance, whether the people are aggrieved or not? Is it those who suffer, or fancy they suffer, or the Senate? If we are to decide when they ought to feel aggrieved, and when they ought to be satisfied, if the tribunal to whom their petitions are addressed may refuse to receive them, because, in their opinion, there was no just cause of complaint, the right of petition is destroyed. It would be but a poor answer to their petitions to tell them they ought not to have felt aggrieved, that they are mistaken, and that, therefore, their complaints would not be received by their servants.

I may be asked, (said Mr. B.,) is there no case in which I would be willing to refuse to receive a petition? I answer that it must be a very strong one indeed to justify such a refusal. There is one exception, however, which results from the very nature of the right itself. Neither the body addressed nor any of its members must be insulted, under the pretext of exercising this right. It must not be perverted from its purpose, and be made the instrument of degrading the body to which the petition is addressed. Such a petition would be in fraud of the right itself, and the necessary power of self-protection and self-preservation inherent in every legislative body confers upon it the authority of defending itself against direct insults presented in this or any other form. Beyond this exception I would not go; and it is solely for the purpose of self-protection, in my opinion, that the rules of the Senate enable any of its members to raise the question whether a petition shall be received or not. If the rule has any other object in view, it is a violation of the constitution.

I would confine this exception within the narrowest limits. The acts of the body addressed may be freely canvassed by the people, and they may be shown to be unjust or unconstitutional. These may be the very reasons why the petition is presented. "To speak his mind is every freeman's right." They may and they ought to express themselves with that manly independence which belongs to American citizens. To exclude their petition, it must appear palpable that an insult to the body was intended, and not a redress of grievances.

Extreme cases have been put by the Senator from South Carolina. Ridiculous or extravagant petitions may be presented; though I should think that scarcely a sane man could be found in this country who would ask Congress to abolish slavery in the State of Georgia. In such a case I would receive the petition, and consign it at once to that merited contempt which it would deserve. The constitution secures the right of being heard by petition to every citizen; and I would not abridge it because he happened to be a fool.

The proposition is almost too plain for argument, that if the people have a constitutional right to petition, a corresponding duty is imposed upon us to receive their petitions. From the very nature of things, rights and duties are reciprocal. The human mind cannot conceive of the one without the other. They are relative terms. If the people have a right to command, it is the duty of their servants to obey. If I have a right to a sum of money, it is the duty of my debtor to pay it to me. If the people have a right to petition their representatives, it is our duty to receive their petition.

This question was solemnly determined by the Senate more than thirty years ago. Neither before nor since that time, so far as I can learn, has the general right of petition ever been called in question, until the motion now under consideration was made by the Senator from South Carolina. Of course I do not speak of cases embraced within the exception which I have just stated. No Senator has ever contended that this is one of them. To prove my position, I shall read an extract from our journals. On Monday, the 21st January, 1805, "Mr. Logan presented a petition, signed Thomas Morris, clerk, in behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New Jersey, &c., stating that the petitioners, from a sense of religious duty, had again come forward to plead the cause of their oppressed and degraded fellow-men of the African race; and on the question, "Shall this petition be received?" it passed in the affirmative: yeas 19, nays 9.

"The yeas and nays being required by one fifth of the Senators present—

"Those who voted in the affirmative are,

"Messrs. Adams, Massachusetts; Alcott, New Hampshire; Bayard, Delaware; Brown, Kentucky; Condict, New Jersey; Franklin, North Carolina; Hillhouse, Connecticut; Howland, Rhode Island; Logan, Pennsylvania; Maclay, Pennsylvania; Mitchell, New York; Pickering, Massachusetts; Plumer, New Hampshire; Smith, Ohio; Smith, Vermont; Stone, North Carolina; Sumpter, South Carolina; White, Delaware; Worthington, Ohio.

"And those who voted in the negative are,

"Messrs. Anderson, Tennessee; Baldwin, Georgia; Bradley, Vermont; Cocke, Tennessee; Jackson, Georgia; Moore, Virginia; Smith, Maryland; Smith, New York; Wright, Maryland.

"So the petition was read."

The Senate will perceive that I have added to the names of the members of the Senate that of the States which they each represented. The Senator from South Carolina will see that, among those who, upon this occasion, sustained the right of petition, there is found the name of General Sumpter, his distinguished predecessor. I wish him, also, to observe that but seven Senators from the slaveholding States voted against receiving the petition; although it was of a character well calculated to excite their hostile and jealous feelings.

The present, sir, is a real controversy between liberty and power. In my humble judgment, it is far the most important question which has been before the Senate since I have had the honor of occupying a seat in this body. It is a contest between those, however unintentionally, who desire to abridge the right of the people, in asking their servants for a redress of grievances, and those who desire to leave it, as the constitution left it, free as the air. Petitions ought ever to find their way into the Senate without impediment; and I trust that the decision upon this question will result in the establishment of one of the dearest rights which a free people can enjoy.

Now, sir, why should the Senator from South Carolina urge the motion which he has made? I wish I could persuade him to withdraw it. We of the North honestly believe, and I feel confident he will not doubt our sincerity, that we cannot vote for his motion without violating our duty to God and to the country—without disregarding the oath which we have sworn to support the constitution. This is not the condition of those who advocate his motion. It is not pretended that the constitution imposes any obligation upon them to vote for this motion. With them it is a question of mere expediency; with us, one of constitutional duty. I ask gentlemen of the South, for their own sake, as well as for that of their friends in the North, to vote against this motion. It will place us all in a false position, where neither their sentiments nor ours will be properly understood.

The people of the North are justly jealous of their rights and liberties. Among these, they hold the right of petition to be one of the most sacred character. I would say to the gentlemen of the South, why, then, will you array yourselves, without any necessity, against this right? You believe that we are much divided on the question of abolition; why, then, will you introduce another element of discord amongst us, which may do your cause much harm, and which cannot possibly do it any good? When you possess an impregnable fortress, if you will defend it, why take shelter in an outwork, where defeat is certain? Why select the very weakest position, one on which you will yourselves present a divided front to the enemy, when it is in your power to choose one on which you and us can all unite? You will thus afford an opportunity to the abolitionists at the North to form a false issue with your friends. You place us in such a condition that we cannot defend you, without infringing the sacred right of petition. Do you not perceive that the question of abolition may thus be indissolubly connected, in public estimation, with a cause which we can never abandon. If the abolitionists themselves had been consulted, I will venture to assert, they ought to have advised the very course which has been adopted by their greatest enemies.

The vote upon this unfortunate motion may do almost equal harm in the South. It may produce an impression there, that we who will vote against the motion are not friendly to the protection of their constitutional rights. It may arouse jealousy and suspicion, where none ought to exist; and may thus magnify a danger which has already been greatly exaggerated. In defending any great cause, it is always disastrous to take a position which cannot be maintained. Your forces thus become scattered and inefficient, and the enemy may obtain possession of the citadel whilst you are vainly attempting to defend an outpost. I am sorry, indeed, that this motion has been made.

I shall now proceed to defend my own motion from the attacks which have been made upon it. It has been equally opposed by both extremes. I have not found, upon the present occasion, the maxim to be true, that "*in medio tutissimus ibis.*" The Senator from Louisiana, [MR. PORTER,] and the Senator from Massachusetts, [MR. WEBSTER,] seem both to believe that little, if any, difference exists between the refusal to receive a petition, and the rejection of its prayer after it has been received. Indeed, the gentleman from Louisiana, whom I am happy to call my friend, says he can see no difference at all between these motions. At the moment I heard this remark, I was inclined to believe that it proceeded from that confusion of ideas which sometimes exists in the clearest heads of that country from which he derives his origin, and from which I am myself proud to be descended. What, sir, no difference between refusing to receive a request at all, and actually receiving it and considering it respectfully, and afterwards deciding, without delay, that it is not in your power to grant it! There is no man in the country, acquainted with the meaning of the plainest words in the English language, who will not recognise the distinction in a moment.

If a constituent of that gentleman should present to him a written request, and he should tell him to go about his business, and take his paper with him, that he would not have any thing to do with him or it: this would be to refuse to receive the petition.

On the other hand, if the gentleman should receive this written request of his constituent, read it over carefully and respectfully, and file it away among his papers, but, finding it was of an unreasonable or dangerous character, he should inform him, without taking further time to reflect upon it, that the case was a plain one, and that he could not, consistently with what he believed to be his duty, grant the request: this would be to reject the prayer of the petition.

There is as much difference between the two cases, as there would be between kicking a man down stairs who attempted to enter your house, and receiving him politely, examining his request, and then refusing to comply with it.

It has been suggested that the most proper course would be to refer this petition to a committee. What possible good can result from referring it? Is there a Senator on this floor who has not long since determined whether he will vote to abolish slavery in this District or not? Does any gentleman require the report of a committee, in order to enable him to decide this question? Not one.

By granting the prayer of this memorial, as I observed on a former occasion, you would establish a magazine of gunpowder here, from which trains might be laid into the surrounding States which would produce fearful explosions. In the very heart of the slaveholding States themselves you would erect an impregnable citadel from whence the abolitionists might securely spread throughout these States, by circulating their incendiary pamphlets and pictures, the seeds of disunion, insurrection, and servile war. You would thus take advantage of the generous confidence of Virginia and Maryland in ceding to you this District, without expressly forbidding Congress to abolish slavery here whilst it exists within their limits. No man can, for one moment, suppose that they would have made this cession upon any other terms, had they imagined that a necessity could ever exist for such a restriction. Whatever may be my opinion of the power of Congress, under the constitution, to interfere with this question, about which at present I say nothing, I shall as steadily and as sternly oppose its exercise as if I believed no such power to exist.

In making the motion now before the Senate, I intended to adopt as strong a measure as I could, consistently with the right of petition and a proper respect for the petitioners. I am the last man in the world who would, intentionally, treat these respectable constituents of my own with disrespect. I know them well, and prize them highly. On a former occasion I did ample justice to their character. I deny that they are abolitionists. I cannot, however, conceive how any person could have supposed that it was disrespectful to them to refuse to grant their prayer in the first instance, and not disrespectful to refuse to grant it after their memorial had been referred to a committee. In the first case their memorial will be received by the Senate, and will be filed among the records of the country. That it has already been the subject of sufficient deliberation and debate, that it has already occupied a due portion of the time of the Senate, cannot be doubted or denied. Every one acquainted with the proceedings of courts of justice must know that often, very often, when petitions are presented to them, the request is refused without any delay. This is always done in a plain case, by a competent judge. And yet, who ever heard that this was treating the petitioner with disrespect? In order to be respectful to these memorialists, must we go through the unmeaning form, in this case, of referring the memorial to a committee, and pretending to deliberate, when we are now all fully prepared to decide?

I repeat, too, that I intended to make as strong a motion in this case as the circumstances would justify. It is necessary that we should use every constitutional effort to suppress the agitation which now disturbs the land. This is necessary, as much for the happiness and future prospects of the slave as for the security of the master. Before this storm began to rage, the laws in regard to slaves had been greatly ameliorated by the slaveholding States; they enjoyed many privileges which were unknown in former times. In some of the slave States prospective and gradual emancipation was publicly and seriously discussed. But now, thanks to the efforts of the abolitionists, the slaves have been deprived of these privileges; and, whilst the integrity of the Union is endangered, their prospect of final emancipation is delayed to an indefinite period. To leave this question where the constitution has left it, to the slaveholding States themselves, is equally dictated by a humane regard for the slaves as well as for their masters.

There are other objections to the reference of this memorial to a committee, which must, I think, be conclusive. I ask the Senate, after witnessing the debate upon the present question, to what conclusion could this committee arrive? If they attempted to assert any principle beyond the naked proposition before us, that the prayer of the memorialists ought not to be granted, we would be cast into a labyrinth of difficulties. It would be confusion worse confounded. If we wish to obtain a strong vote, and thus at the same time tranquillize the South and the North upon this exciting topic, the reference of it to a committee would be the most unfortunate course which we could adopt. Senators are divided into four classes upon this question. The first believe that to abolish slavery in this District would be a violation of the constitution of the United States. Should the committee recommend any proposition of a less decided character, these Senators would feel it to be their duty to attempt to amend it, by asserting this principle; and thus we should excite another dangerous and unprofitable debate. The second class, although they may not believe that the subject is constitutionally beyond the control of Congress, yet they think that the acts of cession from Maryland and Virginia to the United States forbid us to act upon the subject. These gentlemen would insist upon the affirmance of this proposition. The third class would not go as far as either of the former. They do not believe that the subject is placed beyond the power of Congress, either by the constitution or by the compacts of cession, yet they are as firmly opposed to granting the prayer of the petition, whilst slavery continues to exist in Maryland and Virginia, as if they held both these opinions. They know that these States never would have ceded this territory of ten miles square to the United States upon any other condition, if it had entered into their conception that Congress would make an attempt sooner to convert it into a free District. Besides, they are convinced that to exercise this power at an earlier period would seriously endanger not only the peace and harmony of the Union, but its very existence. This class of Senators, whilst they entertain these opinions, which ought to be entirely satisfactory to the South, could never consent to vote for a resolution declaring that to act upon the subject would be a violation of the constitution or of the compacts. The fourth class, and probably not the least numerous, are opposed to the agitation of the question, under existing circumstances, and will vote against the abolition of slavery in this District at the present moment, but would be unwilling to give any vote which might pledge them for the future. Here are the elements of discord. Although we can all, or nearly all, agree in the general result, yet we should differ essentially in the means of arriving at it. The politic and the wise course, then, is to adopt my motion that the prayer of the memorialists ought to be rejected. Each gentleman will arrive at this conclusion in his own way. Although we may thus travel different roads, we will all reach the same point. Should the committee go one step further than report this very proposition, we should at once be separated into four divisions; and the result must be that the whole subject would finally be laid upon the table, and thus the abolitionists would obtain a victory over the friends of the Union both to the North and to the South.

Before I made the motion now before the Senate, I deliberately and anxiously considered all these embarrassing difficulties. At the first, I was under the impression that the reference of this subject to a committee would be the wisest course. In view of all the difficulties, however, I changed my opinion; and I am now willing, most cheerfully, to assume all the responsibility which may rest upon me for having made this motion.

I might have moved to lay the memorial upon the table; but I did not believe that this would be doing that justice to the South which she has a right to demand at our hands. She is entitled to the strongest vote, upon the strongest proposition, which gentlemen can give, without violating their principles.

I have but a few words more to say. As events have deprived me of the occupation assigned to me by the Senator from North Carolina, [Mr. Mangum,] I feel myself at liberty to invade the province allotted by the same gentleman to the Senator from New York, [Mr. Wright,] and to defend a distinguished member of the Albany regency. In this I am a mere volunteer. I choose thus to act, because Governor Marcy has expressed my opinions better than I could do myself.

And here permit me to say that, in my judgment, southern gentlemen who are not satisfied with his last message, so far as it relates to the abolitionists, are very unreasonable. With the general tone and spirit of that message no one has found any fault—no one can justly find any fault. In point of fact, it is not even liable to the solitary objection which has been urged against it, that he did not recommend to the Legislature the passage of a law for the purpose of punishing those abolitionists who, in that State, should attempt to excite insurrection and sedition in the slaveholding States, by the circulation of inflammatory publications and pictures. It is true that he does not advise the immediate passage of such a law, but this was because he thought public opinion would be sufficient to put them down. He, however, looks to it as eventually proper, in case, contrary to his opinion, such a measure should become necessary to arrest the evil. He expressly asserts, and clearly proves, that the Legislature possesses the power to pass such a law. This is the scope and spirit of his message.

Ought he to have recommended the immediate passage of such a law? I think not. The history of mankind in all ages demonstrates that the surest mode of giving importance to any sect, whether in politics or religion, is to subject its members to persecution. It has become a proverb, that "the blood of the martyrs is the seed of the church." By persecution, religious sects, maintaining doctrines the most absurd and the most extravagant—doctrines directly at war with the pure faith and principles announced to the world by the Divine Author of our religion—have been magnified into importance. I do not believe there is any State in this Union (unless the information which we have received from the Senators from Vermont might make that State an exception) where penal laws of the character proposed would not advance, instead of destroying, the cause of the abolitionists. I feel confident such would be the event in Pennsylvania. Severe legislation, unless there is a manifest necessity for it, is always prejudicial. This question may be safely left to public opinion, which, in our age and in our country, like a mighty torrent sweeps away error. The people, although they may sometimes be misled in the beginning, always judge correctly in the end. Let severe penal laws on this subject be enacted by any State; let a few honest but misguided enthusiasts be prosecuted under them; let them be tried and punished in the face of the country, and you will thus excite the sympathies of the people, and create a hundred abolitionists where one only now exists. Southern gentlemen have no right to doubt our sincerity upon this subject; and they ought to permit us to judge for ourselves as to the best mode of allaying the excitement which they believe exists among ourselves.

If the spirit of abolition had become so extensive and so formidable as some gentlemen suppose, we might justly be alarmed for the existence of this Union. Comparatively speaking, I believe it to be weak and powerless, though it is noisy. Without excitement, got up here or elsewhere, which may continue its existence for some time longer, it will pass away in a short period, like the other excitements which have disturbed the public mind, and are now almost forgotten.

Mr. **WALKER** said it was with no ordinary emotions that he felt constrained to participate in the debate upon this question. Having served (said Mr. W.) but a few days in my present station, never heretofore having occupied a seat in any legislative assembly, State or national, borne down by a severe domestic bereavement, with which it has pleased Providence to afflict me since the commencement of this session, gladly, most gladly, would I have given a silent vote upon this occasion. But there are considerations connected with this question, involving so deeply the vital interests of my constituents—the repose of my country, the perpetuity of that Union which is dearer to me than life, for I have no desire to survive its dissolution—that I am impelled by a solemn sense of duty to express my opinions on this subject.

A petition has been presented to the Senate, requesting Congress to abolish slavery in the District of Columbia. Two motions have been made in relation to this petition: one to refuse to receive it, and the other to reject the prayer of the petitioners. The former has the precedence in the order of decision here, and is regarded by me as expressing more strongly our disapprobation of this petition than the rejection of the prayer of the petitioners.

But we are met in the threshold of this discussion by a preliminary question, which is honestly believed by many of all parties, from the South as well as the North, to interpose a constitutional barrier against the rejection of this petition. We are told that to reject the petition is to abridge the right of petition and to violate the constitution. With my oath to support that sacred instrument yet fresh upon my lips and green in my memory, did I suppose that a constitutional obligation was imposed upon us to receive all petitions addressed and presented to us, whatever their language, character, or tendency might be, my vote should be given against the rejection of this memorial. The rights of my constituents are infinitely dear to me, but they do not desire to secure those rights by trampling down the constitution of the Union.

The first article of the amendments to the constitution is relied upon as denying to us all power to reject this petition. That article is as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." What is it on this subject that Congress cannot do? It can "make no law" "abridging" "the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Do we propose to abridge this right? Do we attempt to say to the people, either by a law or otherwise, that they shall not peaceably assemble and petition the Government for a redress of grievances? Do we say they shall not assemble, or that, when assembled, they shall not petition? Or even that, when the petition is subscribed, they shall not present it for the action of this body? We say none of these things. Notwithstanding our refusal to receive this petition, the people may again assemble, again subscribe and present here another and another petition, precisely similar to that now before us; and this right we do not undertake to abridge or question. But when the people have fully exercised and exhausted the right of petition, as secured by the constitution, and presented that petition here, then our rights begin, and we may, in determining the order of our own proceedings, reject the whole petition; or, what is nearly the same thing, reject the prayer, which is the vital part of it, or refer the petition, or postpone indefinitely the consideration of it, or lay it upon the table, to sleep the sleep of death, and the constitutional rights of the people are not infringed by adopting any of these modes. I am not willing to be accused of violating the sacred right of petition; my veneration of that right is as great as that of any Senator upon this floor; but this right is not assailed or invaded by refusing to receive the petition, but remains in its full force, unimpaired and undiminished, subject to be exercised in all its extent, whenever the people resolve to petition for a redress of grievances. I repeat it, we do not say that the people shall not assemble—that they shall not petition—that they shall not present their petitions here—we do not, in any manner, limit the action of the petioners, either by the adoption of any law or rule on this subject; we do not even say that this petition shall not be read or discussed; but when all this has taken place, we may refuse to receive the petition, either because its language is offensive, or because it asks us to violate our oaths and the constitution, or because it requests us to disturb the harmony of the Union, or for any other cause the Senate may deem sufficient, for the constitution is silent upon this topic, leaving it where it ought to be left, to the sound, well-regulated discretion of the Senate on this subject; and as we cannot and do not undertake to limit or prescribe the manner in which the people shall exercise the right of petition, so neither can we permit these or any other petitioners to usurp the power of this body, and dictate the manner in which we shall act upon their petition. Nor is there any thing clearer to my mind, than that to compel the Senate to receive all petitions, however wild or visionary they might be, or destructive of the Union or of the constitution, would be to interpolate in that instrument a most dangerous provision. Suppose the Senate refuse to grant the prayer of these petitioners, and that another and another petition for the same purpose is presented from day to day, and week to week, must we for ever continue to receive these petitions, and render the Senate a registering tribunal for abolition memorials, denouncing the institutions and people of the South? My constituents have rights on this floor, as well as these petitioners; and I shall not, to gratify the blind fanaticism or gangrened malice of these or any other abolitionists, put in jeopardy all that is dear to the people of Mississippi, by consenting to receive these or any other petitions of a similar character.

My honorable friend, the distinguished Senator from Pennsylvania, [Mr. Buchanan,] has referred us to various enactments of the British Parliament, limiting the number of petitioners, or providing for their dispersion by an armed force, or annexing various precedent conditions and limitations restricting the right of petition, and imposing penalties upon the exercise of that right. Now, the illustration afforded by a reference to these laws appears to me to weaken the position assumed by that Senator. It was with a knowledge of all these laws, and others of a congenial character, that the declaratory amendment was introduced into the constitution, with a view to protect the American people against the enactment of similar laws by the Congress of the United States. But we undertake to pass no such laws, or any laws whatever on this subject; we propose to exercise no such power, nor do we impose any limitations or restrictions upon the exercise of the right of petition.

It is said, however, that what we cannot do by the passage of a law, we will accomplish by adopting the present motion. What we cannot do by a law, has been already stated: the constitution states it, by declaring that we cannot abridge "the right of the people peaceably to assemble and petition the Government for a redress of grievances." Now, this right remains untouched; it cannot be touched by any order this House may now make upon this petition. It is positive legislative action, limiting the exercise of the right of petition, that is forbidden by the constitution, and not the mere order this House may make after the presentation of the petition here, when the right secured by the constitution has been fully exercised and exhausted.

It is said that to reject a petition is to render the right of petition an empty form. As well might it be contended that to reject the prayer, which is the vital part of the petition, would render nugatory the right of petition, as to say that this right is invaded by rejecting the petition itself. To reject the prayer is to deprive the memorial of all vitality—to make it a dead letter, an empty sound, a mere preambulary—nothing. A petition without a prayer is an absurdity—it is not a petition; and if we may reject a part of the petition, the only part which makes it a petition, why may we not reject the whole petition? A petition is a written prayer for us to do or not to do a certain act; and if we reject the prayer, we do substantially reject the petition itself. If the rejection of these petitions could induce the abolitionists to refrain from sending here any further similar memorials, it should constitute a strong reason in favor of adopting this motion. It is because I wish, not by the enactment of any law, or the adoption of any rule abridging the right of petition, but by the moral influence of our votes and opinions, to arrest the transmission of abolition memorials to this House, that I vote against receiving the petition. The friends of both motions are equally opposed to the abolitionists; both desire to put out these balls of flame, which are kindled at the North in the fires of fanaticism, and blown into tenfold fury here, in the very act of endeavoring to extinguish them.

We are told, that to reject these petitions is to increase their number. And have these petitions been diminished in number by receiving them in times that are past? Has this course been heretofore successful, or, rather, have not these petitions multiplied from year to year? Are they not now increasing? And can we expect, by yielding any thing from courtesy to fanatical incendiaries, to diminish their number, or arrest the surges of that mighty flood which threatens to overwhelm the institutions of the country? No! It is only by indomitable firmness and resolution, by a spirit of resistance unsubdued, unconquerable, by a resort to the very strongest measures, that we can hope to arrest the mad career of the incendiary, or strike down that Moloch banner which waved in blood-stained triumph over the desolate fields of St. Domingo, and beneath whose gloomy folds so many thousands are now summoned to the crusade, against the lives and property of the people of the South. Will persuasive measures, will courtesy, will mildness and moderation, check this fearful spirit? Have they checked it? Or will they, or can they, rescue us from the dangers and difficulties by which we are environed? It is by meeting these incendiaries at the onset of their attack, and sternly rebuking them, by the rejection of all their petitions, that we may indulge the hope that here, at least, they will cease to disturb the repose of the country.

To reject the petition, it is said, is to condemn the petitioners unheard. I am not for introducing here the principles of Rhadamanthus, to punish first, and hear afterwards; although it is true that the "*dura regna*," the gloomiest caverns of Rhadamanthus, are the appropriate abodes of abolition incendiaries. But have not these petitioners been heard? Has not their petition been read here, and fully discussed? They cannot say, "strike, but hear me," for we have heard them, and the question is, shall we receive their petition? Why is this motion on the reception of the petition propounded, if we may not answer no, as well as ay? Is the propounding of this question an empty form, or is the question already answered in the affirmative, by the constitution itself? The very question propounded is itself a violation of the constitution, if we may not give a negative as well as an affirmative answer. Under the power delegated by the constitution to each House, to "determine the rules of its proceedings," the call for this preliminary question may be demanded as a matter of right; and the right to propound the question involves the right to vote in the negative, or affirmative, without any violation of the constitution.

There is another reason influencing me to oppose the reception of this petition. Why receive the petition, when the Government has no constitutional power to grant the redress requested? Would not the reception of the petition, under such circumstances, be an idle ceremony? Congress has no constitutional power to abolish slavery in the District of Columbia. It is said, Congress has a grant of "exclusive legislation" over this District. So has Congress, under the same clause of the constitution, "like authority" over "all places" purchased from any of the States; and, upon the same principles, Congress might therefore abolish slavery in all those places purchased in the slaveholding States, or, what is still stronger, introduce and establish slavery in all those places purchased from the non-slaveholding States. But this is a grant of "exclusive," not of unlimited, power of legislation; a grant only of legislative power over the District, to the exclusion, in "all cases whatsoever," of any concurrent jurisdiction. There are, however, other clauses in the constitution which limit and restrict this power as regards this District, especially the provision which forbids Congress to deprive any citizen of his "property" "without due process of law;" and further declares, "nor shall private property be taken for public use without just compensation." But this petition proposes to take from the people of this District their slaves, which are their "private property," "without due process of law," "without compensation," and for no "public use," the only case in which private property can be taken, even with compensation; and that compensation, the Supreme Court of the Union has decided, must first be paid or tendered under the finding of a jury of the country. To liberate the slaves of this District, even with compensation, would be equally a violation of the constitution; for, to liberate them, is not to take them for the use of the public, by a transfer of property to the Government or its agents. Unless, then, this Government has the power, which none pretend, to purchase and hold slaves, to gratify the morbid sensibility of a few miserable fanatics, it can never, in any manner, constitutionally affect the institution of slavery in this District. Do not the people of this District live under the guarantees of the constitution? Or could Congress, by the mere passage of a law, take from the people of this District their lands, their lots, their houses, as well as their slaves? If Congress have such a power, the Government of this District is the very climax of despotism. The States of Virginia and Maryland had no such power; they could not, therefore, impart it in the cession of this District; they never intended to impart any such authority; they never would have ceded this District upon any such conditions. Fully persuaded, then, that we have no authority over the case embraced in the petition, I shall vote against receiving it. Gentlemen tell us that they look at slavery in the States as the constitution looks at it, as a question beyond their control. And why not look at slavery in the District as the constitution looks at it, and leave it also where the constitution found and left it? The institution of slavery, as it exists in the States, I will not discuss here, either as an abstract or a practical question, because we have no control over it. But this I will say, that the people of the South, so much abused by abolition petitioners, will be declared by faithful history as unsurpassed in any age or country in all that adorns the character of man. Her heroes, her patriots, her statesmen, will live among the brightest models of human excellence, when the blind spirit of fanaticism, which now assails her institutions, shall be remembered only to be condemned and execrated.

The constitutional provision, so much relied on by the opponents of this motion, guaranties the right of petition for but one purpose, "a redress of grievances." Whose grievances? Certainly those of the petitioners. Now, is it any grievance of these petitioners, all far distant from this District, that the people within its limits own lands, or lots, or slaves? And why should they ask us to receive their petition for a redress of grievances, which those who are alone concerned neither know nor acknowledge? And what is this proposition which we are asked to receive and consider? It is a proposition to violate the constitution, and endanger the Union. It is a proposition for rapine, plunder, and spoliation. It is a proposition, not merely to attempt to render the slaves of this District freemen, but, in its inevitable results and consequences, to render the freemen of this District slaves; to chain them to the car of a despotic central power, whilst the wild spirit of fanaticism lashes her fiery steeds over the broken columns and shattered fragments of the constitution, and, driving onward in exulting triumph to the very Capitol of the nation, waves her black and blood-stained banner from the very dome, where now float the glorious kindred emblems of our country's Union. The mighty revolution proposed by these petitioners would make this District a den of thieves and assassins, of liberated slaves and blacks already free. It is threatened with a sale to the Dutch, but the District would not be worth selling after you had delivered it up to the negroes. This proposition would make the District an asylum for fugitive slaves from the States, the grand citadel of abolitionism, whence it would light the torch of the incendiary, and whet the knife of the assassin, upon the very borders of Virginia and Maryland. It would fill the whole District to overflowing with a free negro population, drunk with the wild spirit of fanaticism, and render it utterly impossible for any southern man to legislate here, except at the peril of his life. And can we, ought we, will we, submit to this? No, never. Oh, my country! are we American Senators, and is this the Senate Chamber of the American Union, in which we are constrained to debate such a proposition as this?

Mr. President, let us all awake to the momentous consequences of the perpetual agitation of this fearful question; let us shake off all somnambulism, and contemplate for a few moments the true character and inevitable consequences of abolition agitation. It is a question, not of abolition, or anti-abolition, but of union or disunion. The vital current freezes around my heart when I contemplate the bare possibility of a dismemberment of this Union; but, with a view to prevent this dread catastrophe, it is time to address the people of the North in the language of truth; to tell them that abolitionists are disunionists; that their success would be the success of disunion; that if they love this Union, let them all now rise in the majesty of their strength, and put down for ever those fanatical incendiaries, who are threatening to place in jeopardy all that is dear to the people of the South. We ask them to teach the abolitionists, that to persist in their mad career unchecked is to endanger the Union, and that their object, the abolition of slavery in the South, would not and never can be accomplished; that they may fill every pulpit, every college, every State of the North, with abolition incendiaries, and yet they will not, cannot, accomplish their object. They may check the amelioration of the condition of slaves in the South, heretofore so rapidly progressing; they may deprive them of many privileges which they before enjoyed; they may substitute distrust for confidence, and subject the slave, from dire necessity, to much severer discipline; they may change the now truly happy and pastoral condition of the southern slaves into one of chains and bondage; they may almost extirpate the negro race, for they are unfit for freedom; but this is all they can accomplish. No, this is not quite the full extent of their victory. They may occasionally incite a few negroes to insurrection. Here and there, for a short time, a few of our generous and chivalrous people may fall beneath the knife of the black insurgent, urged on by northern abolitionists. Now and then a few of our dwellings may be consumed by the torch of the incendiary; a few, a very few, of the mothers, sisters, wives, and children, of the people of the South may fall in one indiscriminate and unsparing massacre; but the grand object of the abolitionists can never, never, be accomplished. They may publish document after document, and print after print, and it will all be vain and nugatory. They will not have made the slighest approach towards the grand object of all their efforts. No; our peculiar institutions we will yield only at the point of the bayonet, and in a struggle for their defence we would be found invincible.

This is not the language of a nullifier or secessionist. No; it is the opinion of one who ever has opposed and will continue to oppose those doctrines, as fatal to the perpetuity of the American Union. It is the language of a man whose love of this Union is as warm as the vital blood that gushes from his heart; who values his own destiny here as less than a bubble bursting on the ocean surge, compared with the duration of this Government, and life itself as utterly worthless, were this Union dismembered. It is because he thus loves and values the Union that he would warn the people of the North that the unchecked efforts of the abolitionists do endanger this Union; that we ask for the strongest and most decisive measures against them; and that they may be made to know and feel that they can in no contingency effect their object. Let us all then rouse ourselves to the contemplation of the mighty stake which is at hazard, and see what we can do to maintain and perpetuate the blessings of this great confederacy. Let us also never forget that now is the time for exertion; for if the sun of this Union should once set, it will go down for ever; that there will be no morning to the midnight of that universal despotism which would ensue upon the setting of the sun of the American Union.

A distinguished Senator from Massachusetts, [Mr. WEBSTER,] in a celebrated debate here, declared, that whenever the Union was in danger, he should be found in the midst of the combat, crying "to the rescue, to the rescue." Sir, the Union is in danger; the battle is now going on; it is progressing in this Senate chamber; here, here, we are endeavoring to resist the efforts of abolition incendiaries; and will he not now come to the rescue? Now is the accepted time; now is the day for the salvation of his country's Union.

May I also be permitted to call upon the eminent Senator from South Carolina [Mr. CALHOUN] to come forward, as he did in the days of his early glory, as the champion of the honor and perpetuity of this Union. Whilst the Senator from Massachusetts [Mr. WEBSTER] shall sternly rebuke the fanatical abolitionists of the North, let the voice of the Senator from South Carolina [Mr. CALHOUN] be heard, in endeavoring to prevent the formation of a southern sectional and geographical party, which must prove fatal to the permanency of this confederacy. Not many years past, these two Senators were engaged upon opposite sides of a great controversy, when the scales of intellectual superiority were left in equipoise. Now, let them go forward together, the one with the good broadsword of Richard, the other with the keen sabre of Saladin, not to engage in another political tournament with each other, but to go forward together as champions of the Union against the abolitionists of the North, as champions of the Union against sectional or geographical parties in the South, and they will wreath their brows with unfading laurels; laurels that can never be gathered upon the grave of their country's Union; laurels that can flourish only in that holy American atmosphere, which embraces the whole country, and all its parts.

To my honorable and distinguished friend, the Senator from Pennsylvania, [Mr. BUCHANAN,] most happy am I to say, it is unnecessary to appeal. He has avowed sentiments upon this floor, on this subject, worthy of the best days of the republic; worthy of Pennsylvania, the keystone of the arch of the Union: worthy of the spirit in which the constitution was formed, and which can alone perpetuate its blessings. And, Mr. President, let us all have the same proud consciousness of endeavoring to discharge our duty. Let us send forth the dove from this Senate chamber, to return with the olive branch of peace. Let us endeavor to find some political Ararat, where the ark of our Union, now tossing upon the dark surges of tumultuous passions, may yet repose, and where we may truly declare that the deluge of bitter waters has subsided.

Mr. President, whilst I cannot say there is no danger to the Union from abolition incendiarism, yet neither can I agree with the very eloquent Senator from South Carolina [Mr. PRESTON] in believing that the case is desperate; that Europe is against us, the North against us, and that abolitionism must triumph or dismember the Union. Whilst the thrilling but lugubrious tones, the melancholy bodings, of that Senator were echoing through these halls, could we not almost fancy that the sun of the Union was now sinking beneath the horizon; that darker and yet darker clouds were gathering round us; that the elemental strife had already commenced, and that fanaticism had already drawn the line which marked the boundaries of a dismembered empire? This was a picture of fancy; but what are the facts? That Senator seems to have no confidence in the people of the North; he seems to regardthem as abolitionists by some imperious, irresistible necessity. My confidence in the American people, in the people of the North as well as the South, is firm and unshaken. It is the people who established and maintained, and will perpetuate, this Union. It is they who will come to the rescue when the Union is in danger; it is they who will sacrifice abolitionism, as a burnt offering, upon the altar of our country's welfare. From the humblest cottage they will come forward, with American hearts and American feelings, and triumphantly sustain those honorable Senators from the North, who are so nobly maintaining here the cause of our common country. They will be hailed, upon their return to their constituents, as the preservers of that Union which the people value above all price, and which they are resolved to transmit to their children, all whole and inviolate, in undiminished glory. Shall we then despair of this Union, when our brethren of the North are rising to crush out the fangs of those vipers that are hissing among them? Look at Boston, at Utica, at Albany, at New York, at Philadelphia, and say, are not the people of the North preparing to put their feet upon the fanatical disturbers of our country's repose? And are they not doing it in a spirit of manly, American patriotism, worthy of the best days of our republic, and with a vigor beyond the law? Say not, then, that the people of the North and the South have no common sympathies or affection. Our whole history is one of a common origin, of common wrongs, and sympathies, and resistance, and triumphs, and it will be the history of a common destiny. The descendants of New England, of New York, of Pennsylvania, will be with us, as their fathers were, in the hour of gloom and danger, when they baptized with their blood the sunny plains of Carolina, and mingled their ashes with those of our forefathers, upon the battle fields of the South. More especially do we regard with heartfelt gratitude the noble efforts of the people of the great State of New York, against abolition incendiarism.

They are fighting our battles against a powerful foe; they are fighting our battles beneath the banner of the constitution and the Union; and shall we, can we, withhold from them the tribute of our heartfelt gratitude? And if public opionion should be found insufficient to check this fanatical spirit of abolitionism, Governor Marcy, of New York, in his executive message, proposes to suppress it by legislative enactments. Go on, then, noble and enlightened Chief Magistrate of New York; go on, virtuous and patriotic people, and put down abolition incendiarism, and you will erect to yourselves a monument, upon which the American people will engrave, in letters never to be effaced—New York, her patriots, her statesmen, and her people; they have preserved the Union. And if there are any of any party on this floor, who come forth as witnesses or champions in the cause of abolition, let them stand alone in their glory; the glory of aiding in the dismemberment of this Union. And should they succeed in destroying this Government, let them not suppose that the present age, or that posterity, will rank them with the wise, the virtuous, the good, or the truly pious. No; on this side the tomb, amid the tears that patriots shed over the ruins of our departed glory, they would be pointed out with loathing and disgust, as guilty traitors and criminals; and when thay have escaped in the grave the horrors of this living death, posterity will inscribe upon their tombstones that damning epitaph of everlasting infamy—Here lies a destroyer of the American Union.

Mr. WHITE succeeded to the floor, and thus addressed the Chair:

Mr. President: I address you under the solemn conviction that if this Government is to continue to accomplish the great purpose for which it was established, it can only be by administering it in the same spirit in which it was created.

When the constitution was framed, the great and leading interests of the whole country were considered, and, in the spirit of liberality and compromise, were adjusted and settled. They were settled upon principles that ought to remain undisturbed so long as the constitution lasts, which I hope will be for ever; for although liberty may be preferable to the Union, yet I think the Union is indispensable to the security of liberty. At the formation of the constitution, slavery existed in many of the States; it was one of the prominent interests that was then settled; it, in all its domestic bearings, was left exclusively to the respective States; to do with as they might think best, without any interference on the part of the federal Government. This, it is admitted by every gentleman who has addressed you, is now the case in every slaveholding State; therefore it is only urged that Congress has the power to abolish slavery in the District of Columbia. It should never be forgotten that, when the constitution was formed and adopted, what is now the District of Columbia was then comprehended within two of the slaveholding States, Maryland and Virginia.

Suppose, when all the details of the constitution had been adjusted, it had been foreseen that the District of Columbia would be formed out of a tract of country ceded by those States, and situated in the centre between them, it had been asked of the members of the convention, what do you intend as to the District? You have placed the question of slavery in the States entirely under their control within their respective limits—do you intend that Congress shall have the power to abolish slavery in the District? Would not every man have answered in the negative?

It has been said that when petitions to abolish slavery are presented to either house of Congress, those who demand the question whether they shall be received, and thus produce discussion, are agitators, and produce excitement on this delicate subject. To me it seems this is unfair. Let us for a moment consider the circumstances of the country, and the situation in which we are all placed.

There are twenty-four States, several Territories, and this District. Thirteen of these States have no slaves, the other eleven have slaves; in fact, their slaves constitute a large item of all the property they own. During the past year, it has so happened that many newspapers, pamphlets, and pictorial representations, made their appearance, and were, through the mail, and by other means, extensively circulated in the slaveholding States. By these means a spirit of discontent was created, which occasioned much excitement and disorder in various places, and rendered it necessary, in a summary manner, to put to death several white persons, and a number of slaves. In various quarters of the Union there were assemblages of people, who expressed their opinions with great freedom. In the course of the fall and winter, many of the State Legislatures have been in session; they have been addressed on this subject by their respective Governors; they have expressed publicly their opinions. The President, in his message, has invited the attention of Congress to it; the Senate has referred that part of the message to a special committee, which has made a lengthy report, accompanied by a bill, which is now upon our docket, and must, in due course, be discussed, and either passed or rejected. Are all these to be called agitators, and charged with unnecessarily producing excitement? If not, how is it that members of Congress are to be thus charged, when petitions are presented that we must in some mode dispose of? Each of us must suggest such mode as we think most correct, and none can justly be liable to any such charge. If there is any wrong, it is found in those who, in such a state of public feeling, will press their petitions upon us. The petitions are forwarded to members who feel it their duty to present them; when presented, others think it their duty to demand the question whether they shall be received. Is it true that, on this delicate subject, every officer of the federal or State Governments can express his opinion as to what it is best to do, and that a Senator dare not express his opinion without being liable to censure? I hope not.

This is a delicate subject: would to God it had not been pressed upon us; but, as it is placed here by the petitioners, we must dispose of it. To enable us to do so, we must think upon it, and we may tell each other what we think, and our reasons for so thinking. It is not by speaking upon it we will be likely to do mischief. Every thing depends upon the temper with which we express our opinions, and the sentiments we advance. My wish and aim is, if I can do no good, to do no harm; and if I believed in what I propose to say I would utter a sentiment from which mischief would be produced, I would close my lips, take my seat, and content myself with yea or nay to every question proposed by others, leaving every person at liberty to conjecture the reasons for my votes; but entertaining no fear of that kind, I must ask permission to state, as briefly as I can, some of the reasons for the course I shall pursue. In doing this, I shall not address myself to Senators coming from either the East or the West, the North or the South, in particular, but to the Senate, the whole Senate, because, if it is desired, as I believe it is, that we should remain together as one people, secure, prosperous, happy, and contented, the whole country, every section of it, having a deep interest in this matter, this agitation and excitement must cease.

What, then, ought we to do, as most likely to put an end to those angry feelings which now prevail?

In my opinion, we should refuse to receive these petitions. It is a mere question of expediency what disposition we shall make of them. All who have yet spoken admit that Congress has no power whatever over slavery in the respective States. It is settled. Whether slavery is right or wrong, we have now no power to consider or discuss it. Suppose, then, a petition were presented to abolish slavery in the States, would we receive it? Assuredly we ought not, because it would be asking us to act upon a subject over which we have no power.

But these are petitions asking Congress to abolish slavery in this District. Have we the power? I think not. I consider the argument of the honorable Senator from Virginia, [Mr. LEIGH,] upon that point, conclusive. It has not been answered, and I do not believe it can be. Slaves are property in this District—Congress cannot take private property, even for public use, without making just compensation to the owner. No fund is provided by the constitution to pay for slaves which may be liberated, and the constitution never gives Congress the power to act upon any subject, without, at the same time, furnishing the means for its accomplishment. To liberate slaves is not taking them for public use. It is declaring that neither individuals nor the public shall use them. I will not weaken the honorable member's argument by going over it.

This District was intended as the place where the great business of the nation should be transacted for the good of the whole. Congress, under the constitution, is placed here to legislate upon those subjects enumerated and specified in the constitution, that we might be able to protect ourselves, and the officers residing here, and be out of the reach of the laws of any State. It was never intended that we should have any local legislation, except such as would meet the wants and wishes of the people residing within the ten miles square. We should never permit this place to be converted into a political workshop, where plans would be devised, or carried into operation, that will have the effect of destroying the interest of any of the States.

Members of Congress, executive and judicial officers, were to come from any and every section of the Union, from the slaveholding and the non-slaveholding States, and their property was to be as secure here, in this ten miles square, as it was in the States from which they respectively came. They would bring their habits and their domestic servants with them; those from the non-slaveholding States their hired servants, and those from the slaveholding States their slaves. And who can believe it was intended to vest the power in Congress to liberate them if brought within the District?

Again: The right of property in slaves in the States is sacred, and beyond the power of Congress to interfere with, in any respect; yet, if it be conceded that we have the power to liberate them in the District, we can as effectually ruin the owners as if we had the power to liberate slaves in the States. By abolishing slavery here, we not only make a place of refuge for runaways, but we produce a spirit of discontent and rebellion in the minds of slaves in the neighboring States, which will soon spread over all, and which cannot fail to compel owners to destroy their own slaves, to preserve their own lives and those of their wives and children. I beseech gentlemen to look at this matter as it is. Take, for illustration, the case of a small planter in Mississippi, living on his own land, with thirty slaves to cultivate it. Suddenly it is discovered that one half of them are concerned in a plot to destroy the lives of their master, his family, and neighbors, with a view to produce their freedom, and immediately, with or without law, they are tucked up and hanged. The man is thus deprived of his property without any chance for an indemnity, besides the disquiet and anxiety of mind occasioned by a loss of confidence in his remaining slaves. It cannot have been intended that Congress, by acting on this subject, should have a power thus to occasion a destruction of slave property.

To me it seems that we ought to treat those petitions precisely as we would do if they prayed us to abolish slavery in one of the States. We have no more power to abolish it here than we have there. I think, in either case, we ought to refuse to receive them. I hold that, if the petitioners ask us to do that which we have no power to do, or to do that which will be productive of a great and lasting mischief, we not only have the right, but that it is our duty, to refuse to receive them.

By the constitution, no man can be held to answer for a criminal charge but by presentment or indictment. Suppose a petition presented here, alleging that some citizen in the District had been guilty of a crime, and that he was so influential that he could not be reached by the ordinary forms of law in court, and therefore we are asked to pass a bill of attainder, ought we to receive the petition? Suppose a petition to ask us to pass a law to prohibit any member of this body from making a speech against the prayer of the petitioners, would we receive it? Suppose a petition to be offered asking us to establish a particular religion in this District, or to prohibit any publication in a newspaper on the subject of abolishing slavery, unless it was previously approved of by a committee, would we, ought we, to receive any such petition? I think, most certainly, we ought not. But suppose we have the power, is there any Senator who believes we ought to exercise it? I trust not. Those who urge the reception of this petition, which is from the Society of Friends, have spoken most highly of the petitioners and the class of citizens to which they belong. In all this I cheerfully concur. These particular persons are strangers to me. I doubt not the purity of their motives; the sect to which they belong is worthy of all the encomiums passed upon it. I respect and esteem them most highly, and do not feel that in my composition there is a particle of unkindness towards them; but I think they would have us do that which we have no power to do, and if we had the power, by exercising it, we should do infinite mischief. This these petitioners do not desire. They have discharged what they think is their duty by having their petitions presented; I only discharge mine, when I say, consistently with what I feel to be my duty, I cannot receive them.

But it is further insisted that the right of petition is a sacred one that belongs to the nature of free government, and existed before the formation of our constitution; and that instrument did not give the right to petition, but intended only to secure it. This is sound doctrine, and has my hearty assent. The people are sovereign; members are their agents or servants; they have a right to make known their grievances, real or imaginary. We can pass no law, we can make no rule, to abridge or destroy that right. But what do gentlemen mean when they speak of the right of petition? Do they mean that, when the petition is presented, we must receive it, and do that which is prayed for? No. Not one member contended for this; so far from it, they say that, if the language of the petitioner is disrespectful to the body, or to any member of it, we may and ought to refuse to receive it.

How is this? I beg that we may reflect seriously upon this matter. We are about to establish a doctrine to which I can never yield my assent. Are we to be exalted above our employers? Is our dignity to be of higher consideration than the property and lives of those who send us here? If a petition contains matter charging disgraceful conduct on the Senate, or any of its members, we may not receive it; but if it contains matter which is to destroy the slave property in this District, and in eleven States of this Union, and also to endanger the lives and dwellings of every citizen within their limits, we are bound to receive it. This is the doctrine contained in the arguments. I deny that there is any such distinction to be found in a single feature of our political institutions. The truth is, we have the power in both instances to refuse to receive the petitions, but in exercising it, when we ourselves only are assailed, we ought always to act most liberally in receiving; but where the safety, the lives, and the property of our masters are concerned, we have no right to exercise the same liberality.

With great deference for the opinions of others, I think the force of their whole argument rests on a plain mistake. They argue as if we never became acquainted with the contents of a petition, or could consider and decide upon its merits, until after it is received. This is most clearly not correct. What we have been doing for the last few weeks is full proof of it. These petitions have been publicly read, their merits and tendency, and our powers to abolish slavery, have been long under discussion; has any man denied our right to do so? Not one; the only doubt suggested is, whether it was prudent to adopt this course.

By the twenty-fourth rule, when a petition is presented, the member must briefly state its contents, and what the petitioners wish should be done. He then asks that the petition may be received, and specifies what he wishes to be done with it after it is received. If no member objects, for the purpose of saving time, it is received and disposed of without formally propounding the question of reception; but if any member objects, he may call for the reading, and then urge his reasons why it should not be received. This rule establishes no new doctrine; it is founded in good sense, is perfectly consistent with the right of petition, and is laid down as the correct practice by Mr. Jefferson in his Manual, at page 140. What is the right of the petitioner? It consists in his having free permission to make known to Congress what he esteems a grievance, and to ask them to provide a remedy. When his petition is presented, the duty of Congress commences. That consists in the members making themselves acquainted with the contents of the petition, and granting its prayer, if it be just and consistent with the public interest, or in refusing to receive the petition, or making some other disposition of it which, in their judgment, will more conduce to the good of the community. When we refuse to receive a petition we no more destroy or impair the right of petition than we do when we receive the petition and lay it upon the table, or reject the prayer of it, or refer it to a committee, who reports that it is unreasonable, and ought not to be granted. In each of these cases the complaint of the petitioner has been heard, considered, and decided on. In neither instance has he obtained a redress for what he supposed a grievance, but each leaves him equally at liberty to renew his petition at any subsequent period.

Four modes have been suggested by which to dispose of this and all others on the same subject.

The first we have been considering, and is to refuse to receive it.

The second is to receive them, lay them on the table, and there let them lie.

The third is to receive them, and then instantly reject the prayer of the petitioners.

The fourth is to receive them, refer them to a committee, and let that committee make a report upon them.

I prefer the first, because, when we refuse to receive the petitions, they are returned to those who sent them, and it will most strongly discountenance all hope that Congress ever can, or ever ought to, pass any law upon the subject to which they refer. In each of the other three, we retain the petitions, place them on our files, in the custody of our officer, and at any subsequent session they are here, and it will be competent for any member to move their reference to a committee; whereas, if returned to the petitioners, if they ever again make their appearance, it must be by their being re-sent and re-presented. I think that plan is the most advisable, and will be most likely to calm the disturbance in the slave States, which will most strongly manifest to all, in every quarter, that Congress will not interfere with slavery as it exists in the States and in this District.

If these petitions are received, I then think the disposition of them proposed by the Senator from Pennsylvania the next best—that is, immediately to reject their prayer. This would be far preferable to laying them silently on the table, without expressing any opinion whatever.

There is another aspect in which this question may be viewed that has had great influence on my own mind. Congress sits here as the Legislature of the whole Union, and also as the only Legislature for the local concerns of the District of Columbia. These petitions do not ask us to make a general law, operating throughout the whole Union, but a law, the operations of which are to be spent entirely upon property within the ten miles square. Now, if we were in form, as well as in substance, a local Legislature when acting on this question, which gentlemen say is to affect slavery in the District, and nowhere else, would we be bound to receive these petitions? No more than we are bound to receive petitions from France or Germany. Would gentlemen, sitting as members of the Legislature of Alabama, feel bound to receive petitions from citizens of Maine or Pennsylvania to emancipate slaves within their own State? Assuredly not. If that be so, is it not most reasonable, when we are called upon to pass an act confined exclusively to this District, that we should conduct towards the people here as if in this matter they were our constituents? Will it not be time enough to receive petitions on this subject when they are presented on behalf of those upon whose property alone it is said the law would operate?

Honorable Senators have told us there are two classes of abolitionists, and that public opinion will soon put down the mischievous class, which is small in numbers. Gentlemen, I doubt not, think as they say. All we know is, that our peace has been very much disturbed by them, whether few or many. Their newspapers, their pamphlets, and pictorial representations, have been plenty. They have come to us through the mail, and by other means, in great abundance; and, if we are to live together as one people, they must stop. It is vain to reason with people about the liberty of speech and of the press, when their lives are put at hazard. When the domestic circle is invaded, when a man is afraid to eat his provisions, lest his cook has been prevailed on to mix poison with his food; or dare not go to sleep, lest his servants will cut the throats of himself, his wife, and children, before he awakes, he will not endure it; and, when he can lay hands upon those who prompt to such deeds of mischief, he will not wait for the ordinary forms of law to redress him. He takes the law into his own hands, and every thing which accustoms us to violate the law is a serious evil in a country as free as ours, where the laws should govern.

The honorable Senator from Mississippi has shown us something of the feelings of his State, which has suffered much. In mine, when we first heard of punishing persons in Mississippi, without legal trial, we thought it all wrong, and some of our leading newspapers courteously found fault with it. Their columns were not long dry before one of these distributers of abolition pamphlets was found in our most populous and respectable city, and an assemblage of our most orderly and discreet citizens immediately resorted for redress to the same summary process which had been used in our sister State. Public opinion may have done something on this subject. I know of only one attempt to establish a press for such publications in any slaveholding State. The neighbors of the gentleman informed him that his press would be productive of mischief, and he must not establish it in their town; he answered that he held it a high duty, which he could not dispense with, to proceed, and he would do so. They replied, if he did, they would consider it their duty to demolish his building, and sow his types, broadcast, in the streets. This manifestation of public opinion he respected. He knew that those with whom he had to deal would keep their word. He desisted, retired to a neighboring State, where, as I have understood, he is now publishing his paper.

I beg gentlemen to consider that it is of no consequence to us whether the abolitionists, in their States, are many or few; their publications are numerous; they have already produced much mischief, which, if persisted in, must end in consequences to be for ever regretted by us all. For myself, on the subject of the disposition we may make of these petitions, I can have no other wish than that it may be such as will most tend to allay excitement, and restore that harmony which is so essential to the common interest of our whole country.

When Mr. WHITE had concluded,

On motion of Mr. GOLDSBOROUGH,

The Senate adjourned.

THURSDAY, MARCH 3.

FLORIDA RAILROAD, &c.

On motion of Mr. KING, of Alabama, the Senate proceeded to consider the bill to authorize the East Florida Railroad Company to make a road through the public lands, now lying on the table.

Various amendments, proposed by Mr. DAVIS, having been adopted, the bill was ordered to be engrossed.

On motion of Mr. KING, of Alabama, the Senate proceeded to consider the bill to authorize the Pensacola and Perdido Canal Company to make a canal through the public lands, now lying on the table.

Mr. DAVIS moved various amendments to the bill, which were agreed to, and the bill was ordered to be engrossed.

DUTIES ON IMPORTS.

Mr. WEBSTER asked the Senate to consider a bill to repeal certain provisions of the act of 1832 imposing duties on imports.

[This bill proposes that the provisos of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July 14, 1832, be, and the same are hereby, repealed.]

Mr. W. said it had been the practice annually to suspend these clauses, but it was thought best by the Committee on Finance, on this occasion, to repeal them altogether, rather than have an annual recurrence of the necessity for legislation on the subject.

The bill was taken up for consideration, and ordered to be engrossed for a third reading.

Mr. KING, of Alabama, moved that the Senate proceed to appoint a member of the Committee for the District of Columbia in the room of Mr. TYLER; which being agreed to,

On motion of Mr. KENT, it was ordered that the Chair make the appointment.

SLAVERY IN THE DISTRICT.

The Senate proceeded to the special order, being the petition of the Society of Friends in Philadelphia, praying for the abolition of slavery in the District of Columbia.

The question pending being on the motion of Mr. CALHOUN that the petition be not received,

Mr. GOLDSBOROUGH rose and addressed the Chair as follows:

Mr. President: It was my wish to have declined saying any thing upon the petitions on your table; but the deep interest involved in them forbids that course. The people of Maryland and the people of ten other States in this Union have a great common stake at risk—not of property alone, but of tranquillity, of peace, and of security. Under such circumstances, I should have been remiss in being silent, and I should have felt self-reproach in not adding my efforts to those of others to arrest the general misfortune.

It has been charged upon some Senators, here from the South, that they have exhibited a most excited feeling on this occasion, and that they have yielded to it. Sir, I am not surprised at this feeling—it is no dissembled excitement. If they who make the criticism could only translate themselves into the position which those gentlemen hold, and feel with them, and all around them, the stake and risk which they have depending on the issue, they would not, they could not, feel less; and, if they could extend their views to the various and vast communities from which those gentlemen come, they would witness a thrilling state of anxiety that no tongue can describe. At this moment, and from the early part of this session, the whole slaveholding country is, and has been, moved by a most intense anxiety; it is an anxiety that looks to a destiny to be produced by your decision; and whether that decision is to leave them in the peaceful enjoyment of domestic security and comfort, or to involve them wrongfully in all the horrors of an awful calamity, is the suspense which gives rise to that solicitude. Sir, there is not a mail or a messenger arriving at this day within their borders--not a door opened in their domicils--but the ready interrogatories are propounded, What is the news from Washington? Is the question of abolition settled, and how? A country, and the representatives of a country, agitated by such causes, cannot be expected to present an appearance or tone of much calmness or apathetic contentedness. Abolition in the District of Columbia would be a greater evil, far greater, than any protracted foreign war that could be waged with any nation or country. In the latter case we could trust, and well trust, to the united resources of the whole country--mind, sinew, wealth; but, in the former, there would be no peace, no hope, but a recourse to a state of things at which the mind revolts, and which would rob both peace and hope of every charm.

The proposition immediately before the Senate regards the mode of disposal that you are to adopt as to this and other petitions of a like nature which pray for the abolition of slavery in the District of Columbia. The source from which this proposition springs [Mr. Calhoun] always commands my respect; and, if I differ with him on this occasion, my dissent is founded upon the opinion that the course suggested, under all circumstances, is not the best course. My object is to keep the question of abolition insulated and unmixed with every other subject. I desire to place it in no situation that it can gain any extraneous aid; my wish is that it should neither impart nor receive force or strength to or from any thing else. When we see Senators on this floor entertaining and animatedly defending their opinions that "not to receive these petitions" would not only be unconstitutional, but would be a violation of the birthright privilege of every freeman, the right of petition, how many may we justly suppose there are out of the doors of this Capitol who entertain like opinions? And if an impression gets abroad, right or wrong, that this Senate has disposed of these petitions in a way or by means in which they have disregarded the guarantees of the constitution, and robbed the people of a privilege that has been the characteristic of freemen in all ages, can we conceive of any thing more calculated to produce a state of mind and feeling abroad that would add sympathy and numbers to the abolition cause? Could any thing be done here that would enable the friends of abolition to impress a belief generally that the right of petition had been contumaciously denied the people, (it matters not whether that impression is attempted to be made either from misapprehension or misconstruction, the effect would be the same,) new efforts would be made, with redoubled ardor, by quadrupled numbers, when the petitioners would give strength to their cause by uniting it with a vindication of their supposed violated rights. Yes, sir; and the same presses that are now teeming with every species of publication so deleterious to our peace, to aid the cause of abolition, would, in that case, spread as far and as widely abroad, through their thousands of agents, denunciations against Congress for trampling down the great safeguard of popular freedom—the right of petition.

In a few remarks which I made some weeks ago, when this subject was before us in a more transient form, I then indicated the course that I should prefer; and that was a calm and more silent one. My judgment directed me to think that the better course would have been to have received the petitions, and to have laid them upon the table, until some proposition could have been either formally or informally suggested and prepared, in form of resolution or otherwise, under which we could have disposed of them, assigning a reason for so doing; or, if preferred by others, that the petitions should have gone to a committee, and that they should have made a brief report of the grounds of rejecting the prayer of the petitioners; for I am happy in the belief that there is not a Senator on this floor who is not opposed to the object of the petitioners. And I would have done this, sir, under a hope and with the design of rationally influencing a large portion of the signers to these petitions, however enthusiastic the other portion of them may be; as I am persuaded they are rational, though mistaken and misguided men; and such men I would wish to propitiate by truth and reason. My design would have gone further, too; I wished to have waylaid the ear and the understanding of the rest of the world, who were not influenced by the spirit of propagating this destroying system into the midst of the slaveholding country, and I would have appealed to their unpledged judgments, to their sense of philanthropy for us, to have erected them as a mound to prevent a further rise of the troubled waters that threaten to overwhelm us.

On this, and on all trying occasions, we must appeal to public opinion; it is the great arbiter at last; it is the only sovereign acknowledged in our land; we cannot resist its power if we would. It is true that this monarch is sometimes maddened with the fervor of the moment, and it becomes our duty to compose it; if it is subject to delusion, we hope, as we believe, that it is capable of being recalled to reason.

One of the most productive sources of the evil against which we are contending, and the chief impediment to successful resistance, is, I am persuaded, to be found in the misapprehensions which are entertained both by the slaveholding and non-slaveholding States, in relation to the real state of things existing in each. Under the exciting circumstances in which the people in the slaveholding States are placed, it is not to be wondered at that they should regard every man who signs one of these petitions as an enthusiast, or a foe to their peace. Yet, surely, in life, many of these men are considered and known to be of good intelligence and inoffensive habits. So, on the other hand, there are very many in the non-slaveholding States, who, untaught by any practical views of their own as to the real state and condition of things generally existing in the slaveholding States, have indulged themselves, abstractly, in reflections on slavery, and have thrown around it all the glooms and horrors that heated imaginations could depict, or the fancies of others could furnish; and thus they find themselves led on to a crusade to do that to which wounded sensibility prompts, without the power or the thought to calculate the greater miseries that must result from their interference. In no instance, and I have known many, where an intelligent man from the North has come to the South, without any other impressions of negro slavery than those formed in his own fancy at a distance, have I ever known him to be otherwise than completely astonished and gratified at the real condition of things. Instead of meeting with his supposed squalid, trembling, ill-treated set of beings, he finds a cheerful, well-conditioned, laboring people, with a body of lively and kindly-treated domestic servants; in fact, instead of abject and tyrannically abused slaves, he finds a happy, well-trained peasantry, who divide with their masters a good portion of the products of their labor, and who, unlike other peasantry, are not left to chances and accident for their support, but, through all accident and chance, are sustained and protected by the means, the care, and the favor of their masters.

In this state of things, I desire to address myself particularly to the honorable Senators upon this floor from the non-slaveholding States, and, through them, to the people themselves, if what I say here shall be deemed worthy to reach their ear, on this all-absorbing question; and I need not declare how much I crave their pardon and their favor for this direct appeal.

Upon the constitutional question involved in this subject, it is not my purpose particularly to dwell; but I may occasionally advert to it in my progress, since the views I entertain on that point have been so ably enforced and finely illustrated by others, as to render any thing more unnecessary and superfluous; besides, that part of the question does not, at this time, enter into my views; I mean to appeal to another powerful director in matters of this sort—the social tie, as cemented between us by mutual interests, sound common sense, and love of justice; and with this intent I will refer to the origin and character of the Government over this little District of Columbia, whose agency is invoked by the petitioners to establish a system that would, if adopted, inevitably spread disquiet and destruction in the proximate neighborhoods, and through them into the whole South.

It is a part of the history of this federal Government of ours, that is familiar to all who hear me, that the clause in the constitution which establishes the seat of the general Government in this District of Columbia, "ten miles square" was not contained in the original draught of that instrument, but was inserted afterwards upon the suggestion of the expediency of the matter, founded upon a fact which had taken place in Philadelphia towards the latter end of the revolutionary war, when the old Congress was insulted, and their deliberations threatened to be overawed, by a turbulent mob; and the police of Philadelphia, at that time, being either too weak or too timid to afford them the necessary protection, Congress found it necessary to remove to Trenton, in New Jersey, and afterwards to Annapolis, in Maryland, for security from disturbance. This goes to show that the exclusive object of extending this Government over the District of Columbia was for the single purpose of enabling Congress to protect its members from insult, and to guard their deliberations upon the national concerns from interruption and all overawing influence, and for no other purpose.

The site for this District was selected by the great founder of the republic, embracing a portion of country on either bank of the Potomac, within those portions of the States of Virginia and Maryland that were then among the most slaveholding parts of those two slaveholding States, and which have since undergone no material change. The cession was made by those States, and agreed to by the persons holding the territory ceded, no doubt from motives of patriotism and pride, as well as from the hopes of various future advantages. Bringing with them their own laws as a part of the compact of cession, subject to such future changes as they might find useful for their local and other circumstances, and stipulating for the security of property, they looked to nothing else, they never had a thought of any thing else, than that all changes that might be made by Congress that would affect their domestic relations, their property, their habits, would alone proceed from their own suggestion, dictated by their own wants and their own judgment in relation to their own exclusive concerns; they never dreamed that they were to be subject to a legislation dictated by others, on whom the effect of that legislation was not to fall. Could it be presumed that the independent citizens of independent States would ever have consented to have exchanged a legislation over their personal rights and property, by representatives chosen by and responsible to themselves, for the exclusive legislation of a Congress, irresponsible to them, if subject to be directed by the petitions and wishes of others, who had neither a common residence nor a common interest with them? It could not have been expected. They never, never had an idea about external interference to introduce laws and systems to bind them and their property, foreign to their habits, conflicting with their established interests, and inconsistent with the happiness and comfort of which they felt themselves secure in the enjoyment; nor did the probability of such a thing ever occur to others. Upon this plain view of the state of things, I turn to the intelligence of the North and of the West, and of the whole non-slaveholding country, and I put it to their generous social feeling, and I ask them, is it right, is it just, is it friendly in them, merely for the indulgence of a feeling upon the abstract question of slavery, to try to influence Congress, who have the exclusive legislation over this District, to force upon their fellow-citizens in this District a system of things uncongenial with their habits, inconsistent with their wishes and interests, and adverse to their views, which at the same time spreads alarm, excites dissatisfaction and hostile feeling, through all the neighboring and similarly situated States? When they see that the people of the District, whom they desire immediately to affect, are averse to it; and when they see hundreds of thousands of their intelligent fellow-citizens, who must be inevitably mediately affected by it, thrown into consternation and agitated to desperation at the very demonstration of their designs, what motive can they find in charity, in benevolence, or in any of all the Christian virtues, to justify a perseverance in a cause that is to be a hateful source of strife fed by blood? Let me entreat them to pause and to forbear. They have nothing to risk or to pledge on the result, whilst we risk every thing; they desire to gratify a sentiment, whilst we have all at risk that is dear to the heart of man—our country, our wives, our children, friends and home, and, what would be insupportable in the loss of these, our lives; weigh these stakes and risks in the balance, and then let their calmed Christian spirit speak. I cannot doubt their intelligence; I will not distrust their generous moral sentiment nor their pious benevolence.

Allow me to propound a case to their consideration, as we sometimes are enabled to bring things home to our understandings and our hearts more strongly by the illustration of a converse proposition.

Suppose the site for the District, in which the seat of Government was to have been placed, had been selected in Pennsylvania, or in some other neighboring non-slaveholding State, and, after Congress had been long established there, and the inhabitants of the District had become fixed in their habits, with every thing adjusted to their own taste and wishes, and to those of the proximate and neighboring States, that the people of the South should have taken up the opinion that it would be much more agreeable to them, much more suitable to their habits and mode of life, if slavery could be introduced into that District; and that they were, in consequence of this sentiment, to send in petitions to Congress, year after year, from all quarters of the South, to establish slavery in that District; would the Senators and Representatives from the non-slaveholding States, or the people themselves in those States, give ear for a moment to such petitions? Certainly not. And why? Because their object would be to interfere with the established system of things already existing, with which those immediately to be affected, and those around them, were content, and which they preferred; and because it would produce a change that they deprecated, as unsuited to their views as it would be contrary to their wishes. Yet, this is but the converse of the state of things that the petitioners desire to bring about, when, to gratify a sentiment that they have imbibed, in contemplating slavery at a distance, as it is supposed to exist among us, they endeavor to prevail upon Congress to force us against our will, and against our best judgment as to our own security and peace, to derange our whole social system by a revolution that we are morally certain will be pregnant with calamities that make the heart sicken to contemplate.

Peculiar opinions may be found to exist in various parts of our extended country, arising from education, habits, local position, or other causes, for which we may entertain a predilection founded in early impressions, and strengthened by association; and perhaps it might be quite natural that, under the influence of this devotion, we might feel a strong disposition to transplant such opinions elsewhere, where we might suppose they would become as useful and satisfactory to others as they are to ourselves. This design may be innocent in its conception, and perhaps benevolent; yet, before we attempt to press it upon others, we ought, at least, to consult their wishes, and to consider all the circumstances with which they are surrounded. Sentiments like these may probably have worked up a zealous sort of sense of duty to eradicate a system in the District of Columbia, and, through its influence there, in the adjoining southern States, that is regarded at a distance, by those who have but little practical acquaintance with it, as an evil and a wrong; and looking upon Congress as the Legislature of the Union, to which all have access, for the purpose of making known their wishes, they think they may claim a right to give effect to their wishes through the course of proceeding in that body. But if the exercise of this supposed right, thus claimed, is destined, in the belief of all who are to be affected by it, to disturb the rights of property as sanctioned by law and long-established usage, to break up most inconveniently and injuriously an established state of things, and to spread abroad just causes for alarm and danger to personal peace and safety, can it be consistent with sound discretion, or with a benevolent fellow-feeling, or is it legal, to attempt a revolution that is calculated to produce such effects? Why is it that I am prohibited by law from exercising my full right of ownership and of absolute right over my property in a house which adjoins my neighbor's, by putting it out of the way, by burning it down, with a view to my improvements? The house is my own absolutely, but it is not suited to my taste, and is an impediment to the indulgence of what I think would greatly add to the embellishment and value of all around. Is not the answer ready and obvious? Because I must exercise my own rights consistently with the rights of others. Thus we say to our fellow-citizens in the non-slaveholding States, exercise your absolute and indefeasible right of petition so as not to impair or endanger our absolute rights and personal security

I wish, sir, to continue my appeal to the people of the non-slaveholding States, by calling their attention to another historical record of high authority, to show what the sound intelligence of those States did in the early period of our political history through their representatives in Congress, at a time when they who petitioned were as earnest and as honest as any making similar petitions at this day can possibly be, and when there was more sedateness of purpose, and less of that active zeal and enthusiasm which mark the procedures of the present time. I refer, sir, to the proceedings of Congress in the year 1790, upon various petitions from the abolition societies in Pennsylvania, where they first originated, praying Congress to interfere, to produce a system of gradual emancipation of slaves. These petitions were received by Congress, and referred to a committee, in usual course, consisting of seven members, six of whom represented non-slaveholding States and one represented a slaveholding State: Mr. Foster, of New Hampshire; Mr. Gerry, of Massachusetts, Mr. Huntington, of Connecticut; Mr. Lawrence, of New York; Mr. Sinnickson, of New Jersey; Mr. Hartley, of Pennsylvania; and Mr. Parker, of Virginia. The report of this committee was discussed and deliberated on in a Committee of the Whole House, and, after it had passed through the various forms of proceeding, it resulted in three distinct propositions, expressing the power and want of power in Congress over the question of slavery, as declared by the constitution of the Union. First, "that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States then existing should think proper to admit;" which was no more than an affirmation of what the constitution itself declares. Secondly, that Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them, within any of the States—it remaining with the several States alone to provide any regulations therein which humanity and true policy may require. Thirdly, that Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during the passage, of slaves imported by the said citizens into the States admitting such importation.

This part of the recorded journal of congressional proceedings has been cited heretofore on this floor for somewhat different purposes, but I recall it to view for the express design of showing the true line of demarcation of the constitutional power of Congress over the question of slavery in this country, as declared and laid down by the non-slaveholding States themselves—a decision founded upon a full view of all the powers in the constitution in relation to slavery, strengthened by the lapse of more than forty years, and fortified up to this time by tranquil acquiescence and unprecedented prosperity. It is true that Congress held its session at that time in the city of Philadelphia, and the question was more particularly applicable to the States; yet as this was the deliberate result of the view of the whole powers of Congress over the question of slavery, as vested in them by the constitution, and as the appropriation of a district not exceeding ten miles square, for the seat of the general Government, is contained in that constitution, with the powers of Congress over it, and the selection of the site had then been made in parts of two slaveholding States, it does not seem to be quite fair to contend that, after a decision upon so dispassionate and thorough a view of the whole ground, there was any particle of power omitted to be considered, that had any existence under the constitution. It is then with increased confidence that I appeal to the intelligence and love of justice in the non-slaveholding States, when I point out to them the metes and bounds, set by themselves, as to the interference of Congress with our institutions of slavery. Here are your own boundaries set by yourselves—here are your own lines of power run by yourselves. Do not disturb these ancient, these established holdings, but leave us, as we leave you, to regulate all those internal concerns which so deeply affect all that is desirable in life.

Whatever may be the views of the petitioners in this case, be they born of benevolence or what, I am persuaded they are little aware of the real practical effect that must ensue from the pursuit of this object—abolition. Instead of promoting the happiness of the bond and the welfare of their masters, they will ensure the misery of both. If they would but be contented to forbear to intermeddle in this subject, and leave it to work its own way, the progress to that state of things which they profess to desire to bring about would become more accelerated and more sure. The sentiment which they want abruptly to force upon us has already a cherished existence among us all, and it has been gradually growing more and more effective as circumstances arise to permit it. Nothing so certainly checks its growth as this ill-judged interference. Yielding in sentiments of philanthropy to none, and desiring to extend its influence when we may, we must hush its voice upon the approach of danger, and bend all our thoughts and might to protection.[*] The propagation of the doctrines of abolition among the slaves of the South produces discontent, restlessness, and insubordination, that have been and must be put down by any restrictions or punishment necessary to the end. To prey upon and poison the minds of these people is but to cause their fetters to be riveted more closely, and hand them over to suffering or to death. If the danger is imminent, summary justice takes the place of established law, and an excited state of feeling pronounces the judgment that an excited state of feeling executes. Could the design be, which it cannot be, to light the torch of servile discord, and to drench the land in blood, these mistaken and misguided benevolent efforts would lead, if persisted in, unerringly, to that result. How mistaken is this zeal; how ill-adapted to its professed end! If they who are leading on to such things could only witness the return of these southern gentlemen with their families to their homes, and see their meeting with their slaves, as they call them, and as they really are, they would not only be astonished, after all they have heard or thought, but I believe sincerely they would desist. Instead of the "crouching creatures in the forms of men," coming with doubting fear into the presence of a tyrant, as the scene is ever falsely represented, they would see the gladdened countenances of a well-taken-care-of people, hastening with joy to greet their friends' return; and the rustic laborers from the field, when they come in from their employments, are no less anxious to bid the hearty welcome; then ensue the inquiries for health and cares, and all is satisfaction and joy around. Sir, I present no fancied picture. I give the scenes that are prevalent and usual.

My object is to place things in the true point of view, to prevent these scenes from being changed into scenes of sadness and horror.

It ought to be known, but it is not known, that there is no portion of the inhabitants of this country who have been more benefited, whose condition has been more ameliorated by the independence of this country, established by the war of the Revolution, than the slave population. Anterior to that time, and for a short period after, the system of negro slavery in the colonies, and in the new States, was pretty much the same as in the British West Indies—not a great deal better. But no sooner had our dependence upon, and close connexion with, the mother country become severed, and the new system of things had time to diffuse abroad its beneficent influences, than we saw their effects in the happy amelioration of every class in life. It is a law in social life, that the condition of dependants will always keep pace with the liberalized views and sentiments of their superiors, produced by mental culture and refined association; and in no instance has it been more happily illustrated than in our negro populution. In no part of the whole slaveholding country can we find any exception, unless, possibly, in Louisiana.

[Here Mr. PORTER prayed the Senator from Maryland to yield the floor for a moment; which request being complied with, Mr. P. said he had interrupted the Senator for the purpose of correcting an error into which he had fallen in regard to the treatment of the slave population in Louisiana. Mr. P. assured the honorable Senator that the treatment of the slaves there would compare advantageously with any portion of the Union. If the honorable Senator would only visit that section, he would be as convinced of his mistake as he is satisfied that the people of the North would be of their misconceptions if they would go into Maryland.]

Mr. GOLDSBOROUGH resumed the floor, and proceeded. I should not, probably, have made the disparagement so great as the honorable Senator [Mr. PORTER] might have been led to believe. I only designed to say, that as Louisiana had much more recently emerged from the colonial state than most of the other parts of our slaveholding country, it was to be expected that she retained more of the old colonial usages than the elder sister States, who had been longer freed from the thraldom of colonial subserviency. However, sir, I rejoice to be corrected by the honorable Senator, and thank him for the correction; and I shall endeavor to use it to good account, by offering it as another evidence to show how easily men are led into error, who trust to their theories in relation to the state and condition of things at a distance from them.

Yes, sir, the American Revolution has produced no happier change in the state of any of our people than in the negro population: the general sentiment and treatment, in regard to them, has undergone a great revolution, and they have been progressively advancing to an improved condition. That spirit, engendered by the character of our Government, which has liberalized and elevated the minds of the white race of men, has been the cause of extending to the slave a full portion of its ameliorating influence. To check this improving state of things will be no voluntary act of our own; it must be forced upon us by those at a distance, who interfere in our concerns, or it will not be arrested. It is not that we fear the influence of individuals so much, who may come amongst us with the views of inculcating doctrines adverse to our institutions, that delude our slaves, and render them dissatisfied—men are tangible and responsible, and we can therefore guard against them—but it is the silent circulation of poisonous principles, that are diffused by means of every channel that presents itself throughout our country; and whilst we are unsuspicious of their operation, they are corrupting all around us, and spreading turbulence and blind vengeance in our very households. Inflammatory and insubordinate doctrines, that tend directly to sever all the ties between master and dependent servants, that pervert all their feelings, and stimulate them to restlessness and rebellion, are the secret sources of whatever calamities may befall ourselves or our slaves. These are what we dread. It is against their intrusion upon us that we complain. And to guard against their introduction into our communities, our utmost vigilance must always be directed. In such a state of things there can be no peace within our borders; all is agitation and anxiety. When men are bent on schemes of disorder, they first infect the minds of those on whom they design to operate with doctrines adapted to lead on to it; and then, by the means of that contamination, the way is opened, and the impulse is given to tumult and revolt. The effect of corrupting principles is more to be dreaded than arms, as they secretly discipline those that are to be turned loose, at an unguarded moment, to spread abroad the horrors of devastation and carnage.

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[*] See Bishop Bowen's pastoral letter, by order of the convention of the Protestant Episcopal Church in South Carolina, 1835, pages 21 and 22:

"The subject of our slaves is one which circumstances have made of so much delicacy; it is in consequence of an ill-informed, unwise, and even a reckless philanthropy, affecting it in other parts of our Union, surrounded by so much sensibility of alarm and offence, and, where the moral interest of it is concerned, is, under the supposition of even the best dispositions entertained among us to promote it, encumbered confessedly with so much difficulty that the ministers of religion cannot approach it with too great caution and circumspection.

"There are schemes respecting them [the slaves] now, and for some years past, on foot among the pious, and on every account respectable, of our fellow-citizens, in which I own myself unable to see it to be the duty or wisdom of the Christian to bear the part which is so loudly urged on him, as in a peculiar manner to be his. Both the duty and the wisdom of the Christian seem to me, in a manner greatly paramount, to consist in giving them [the slaves] in the condition in which they are, the knowledge of God, according to the gospel of Jesus Christ, and cheerfully committing the event of this course, prudently, intelligently, observingly, and conscientiously pursued, to the disposal of an all-wise and benignant Providence."—*Note by Mr. G.*

We ought not to be regardless of the lessons of experience. When regicide France, in the early period of her revolution, zealous in the cause of republicanizing the world, had proclaimed war against all crowned heads, and against all Governments of law and order, and had particularly marked out the neighboring empire of Great Britain as the chief object of her emancipating designs, unable to reach her object through fleets and armies, she resolved to accomplish it by the agency of her destroying revolutionary principles. Against these Great Britain kept up the war for years. The cannon and the bayonets of France she could meet on the ocean or in the field, without fear and with equal chances; but the corroding principles of her revolutionizing schemes fought always in ambuscade; their force it was difficult, if possible, to elude, when once they had gained admittance. Yet the leaders in France, in these glowing schemes for the deliverance of nations from the bondage of monarchy, of aristocracy, of established law, and of usages that were denounced as corroded by the rust of time, were then held by multitudes to be the apostles of liberty and equality, who professed themselves as aiming at equal rights, to aid the mind in its progress to perfectibility, and to establish universal happiness by universal liberty.

Fortunately, the profound and patriotic intelligence that directed the councils of the British empire did not become enlisted among the proselytes of this fatal imposture. That intelligence knew its origin, and saw its inevitable tendency, and, in the undaunted spirit of resistance forced up to defiance, established the maxim, as the rule of action, "that with revolutionary France and her principles there was no safety but in war." France in arms could be met, and she could be resisted; but the all-subverting influence of her false philosophy, her atheism, her jacobinism, and her dissolute course of anarchy, spread terror and dismay throughout the world.

Similar to this is the condition of our slaveholding country in respect to the doctrines of emancipation that are now attempted to be introduced amongst us. Capable of resisting men, even with arms, we only dread the secret influence of principles, which is most active when we are asleep, and which may awaken us to become the victims of its maddened proselytes.

Mr. President, the happy Government under which we live, in its very nature, dissuades from and interdicts all this sort of interference. Formed to regulate our foreign concerns, to defend us from without, and to preserve peace and security within our borders, it leaves the States themselves to manage their own concerns within their own limits, without interference and without hinderance. Our Government is national in all its character, and cannot be made an engine to transplant the feelings and opinions of one section into another more distant, to work revolution and change. We look to it for the general protection, and we demand that it be not made to intrude upon or intermeddle with our domestic interests, our comforts, or our possessions. It cannot be the province of the federal Government to regulate our property or our internal social relations, or, at the bidding of one part of our great community of States, to break down the system of another part. The Government of this Union was designed to be universal and equal in all its influence and action; and it is our business here to direct all its operations to national purposes alone, to preserve the security of all, and to establish national happiness, prosperity, and power.

When Mr. Goldsborough had concluded—

Mr. KING, of Alabama, said that he could not consent that the question should be taken on the reception of the memorial then under consideration, without saying one or two words explanatory of the vote he should feel it his duty to give, and the grounds on which he should give it. He was too unwell to consume much of the time of the Senate by a lengthened argument; and, as the constitutional part of the question had been sufficiently and ably discussed, he should be exceedingly brief in the address he was about to make.

Mr. K. said he was one of those who, when this unfortunate subject was first attempted to be introduced in that body, was anxious to escape all excitement on it. He felt then, and still thought, and the conviction had been more firmly impressed upon his mind the more he had reflected on it, that all discussions on this subject had a strong tendency to aid the excitement, not only here, but throughout the country; and by that very excitement they but added to the mischiefs which these incendiaries or these fanatics, or whatever they might be called, were most anxious to produce. He was disposed to take such a course that, without affording any pretext for the charge that they were infringing on the right of petition, as secured by the constitution, or, on the other hand, giving the slightest countenance to the wild and extravagant views of the petitioners, would quietly get rid of them without discussion and without excitement, and lead them to the conclusion that it was a hopeless task to endeavor to get any action from Congress on the subject.

This had invariably been the course in both houses of Congress, from the formation of the Government to the present time. Two or three hundred petitions on this subject of abolition had been presented a few sessions past, received without a moment's hesitation, referred to the appropriate committee, and then were heard of no more. At other periods, memorials of this description were received and laid on the table. There they slept; there was no excitement; the number of the abolitionists was not increased; they saw a silent determination on the part of Congress not to interfere with the subject on which they petitioned; that it was vain to persevere in their attempts; and they in a great degree abandoned them. He was not, however, disposed to find fault with those gentlemen who differed with him with regard to the course that should be taken with these memorials. He knew that they stood, as he did, pledged by every consideration, both of feeling and interest, to support what they believed to be the strongest measure in opposition to these memorials; but he could not agree with them in the propriety or expediency of the course they had determined on; he could not agree that any other question should be mixed up with the one so vitally important to the section of the country he came from, and particularly a question which might draw with it the sympathies of well-disposed persons, for those whom it was their imperative duty to put down by the best means in their power. The question before them was that raised by the Senator from South Carolina, [Mr. Calhoun,] "Shall the memorial be received?"

He should but consume the time of that body, if he attempted to add any thing to the able argument of his friend from Georgia, [Mr. King,] so strongly and clearly enforced by his friend from Pennsylvania, [Mr. Buchanan,] on the constitutional principle involved. He should therefore leave the question, as it seemed to him perfectly settled.

The right of petition was admitted on all hands to be one of the most sacred rights inherited from our ancestors. It was secured to us by the constitution—not granted, for it was inherent in the very nature of our Government, and was not to be set aside under any circumstances. Should they, therefore, to answer the purpose of putting an end to these abolition petitions, (and certainly, in the opinion of many, it would not have that effect,) should they give occasion to many well-meaning citizens to array themselves on the side of those in whose persons the right of petition might be violated, and to unite with them in the prosecution of an enterprise they would not otherwise have thought of? We should be cautious (said Mr. K.) how we give occasion to these abolitionists to shift the odium from themselves to a decision of the Senate. Even if he admitted the constitutionality of refusing to receive the memorial, he would hesitate long before he pursued a course calculated to produce unfavorable impressions in the minds of our fellow-citizens, simply on the ground of expediency. Since the commencement of the present Congress, those individuals associated together for the purpose of agitating the public mind, and disturbing the peace of the South, had increased beyond all calculation. They had their agents out every where, distributing their tracts and pamphlets, and were pouring out their treasure with a lavish hand, to subsidize presses, and circulate papers, for the purpose of operating on these very deliberations that were then going on; thus endeavoring to bring to bear on Congress the power of the abolition societies, and the influence of the presses which they had set up, with the acknowledged design of producing action here. Now, he would not undertake to say that the discussion which had taken place had had the effect of stimulating the exertions of these misguided men, but he felt that there was too much reason to fear that it had done so. If this was not the case, he would ask, why had the zealous efforts of these abolitionists heretofore failed in producing the effect they had intended? For it was undeniable that they had hitherto failed in producing such an effect; and it must have been because Congress did not give consequence to their memorials by a protracted discussion, but passed them by with silent contempt.

The reception of these memorials was so strongly impressed on his mind to be the only true policy, that he could not resist the obligations of duty which impelled him to urge the Senate to pursue that course. They had been told by the Senator from Mississippi, [Mr. Black,] that many of the State Legislatures had acted on such memorials, and had refused to receive them. But, said Mr. K., we have our own rule of action prescribed by the constitution, and are not to be governed by what has been done in the State Legislatures. The reception of petitions had been compared to the introduction of bills on leave; and they had been told by the gentleman from Mississippi that even here, in this body, they had refused permission to introduce bills in extraordinary cases. That was very true as regarded the introduction of bills; but the principle on which they had been refused did not apply to petitions. He recollected a case where a resolution which an honorable Senator from Missouri sought to introduce was thrown out, because a majority of the Senate did not approve of its principles. This was a resolution in opposition to the Bank of the United States, and was offered at a time of high party excitement, and when a majority in both houses of Congress were known to be favorable to the bank. Did this preserve the bank? The result is known to all. In one word, then, he could not vote against receiving this memorial. He could not, because he did not believe that they could constitutionally refuse it; and he did not believe it would be good policy to create a sensation against them among those who valued, and correctly valued, the right of petition as one of their dearest privileges. He had listened with great attention, as well as with great pleasure, to the Senator from Mississippi, [Mr. Walker,] and was struck with the earnestness and zeal with which he had pressed the Senate to adopt some measure that would put an end to the prevailing excitement. He knew that that gentleman came from a country where this excitement prevailed to an alarming, to a fearful, extent; he came from a hotbed, where this all-absorbing and all-powerful excitement was so strong that no man, no matter what was his firmness, his coolness, and self-possession, could possibly resist it; he could not fail to be borne along, wherever the feelings and passions of the multitude carried him. But that, said Mr. K., is not the case with us; it having been a longer time since we left the places where that excitement was raging, it is not for us to be hurried along with it into the adoption of measures that our cooler judgment condemns; we should take up the subject as wise, discreet, and reflecting men, anxious to preserve the peace and tranquillity to the community, and should be very careful to do nothing that would defeat the end we have in view. He would go with the Senator from Mississippi in voting for the strongest measure against these abolitionists. But was the refusal to receive the memorial the strongest measure? No. It would place us (said Mr. K.) in a false position, in which we could not maintain ourselves; we should create an excitement against us, and, by enlisting the sympathies of the people in favor of these abolitionists, we should relieve them from the odium which now properly attaches to them, and thus defeat the principal object we have in view. The strongest vote, in his opinion, the one best calculated to quiet the agitation in the public mind, to put down the agitators, and to prevent the frequent recurrence of their misguided and fanatical attempts to disturb the peace of the South, was that proposed by the motion of the Senator from Pennsylvania, [Mr. Buchanan,] to reject the prayer of the petitioners at once, and show to these men that any hope of producing an effect on Congress was entirely delusive. By this course (said Mr. K.) we steer clear of those constitutional objections which apply to the refusing the right of petition. We receive from the citizens of the United States who present themselves here, be they fanatics, incendiaries, or mistaken zealots, the expression of their wishes; but we go not one step farther; we tell them that the prayer of their memorial is unreasonable, and cannot be granted; that to grant it would be contrary to the obligations of our duty; that it would be a violation of the constitution, and against every principle of justice and humanity; and we therefore stamped it with our unqualified reprobation. He took occasion some days since to express the grateful sense he entertained of the manly, frank, and disinterested manner in which his friend from Pennsylvania had come forward with his motion, as well as for the enlarged, liberal, and clear-sighted views taken by him in the remarks with which he accompanied it. Sir, (said Mr. K.,) he has my thanks, and deserves, for the disinterested stand he has taken, the warmest encomiums of every southern man, as well as every lover of the Union, be he from the North or from the South. If any thing (Mr. K. continued) could put an end to the unfortunate state of excitement produced by this agitating subject, if any thing could tranquillize the feelings of the South, and put a stop to these petitions which were pouring in upon Congress, it would be that gentleman's motion to reject the prayer of the petition then before them; and he could not avoid here expressing his sincere regret that the question had not been taken at first on this motion, without going into any discussion whatever.

This excitement, however, which had so inauspiciously commenced, would probably go on for some time longer; but he looked to public sentiment, particularly to the public sentiment of that portion of the country whence these agitating memorials come; he looked with confidence to the wisdom, and virtue, and patriotism, of the people to put that evil spirit down. If that could not be done, he confessed that he must almost despair of a much longer duration of the Union. He could not, however, admit that the prospect was so deplorable as that represented by the eloquent Senator from South Carolina, [Mr. PRESTON.] We see, (said Mr. K.,) as he does, the storm brewing, but we feel assured that we are not to be overwhelmed by it; that though it may howl above our heads, it will pass harmlessly by, leaving a purer and fresher atmosphere. I care but little, said he, for the sympathies of those abroad, so long as we have public sentiment with us at home; so long as we have the Christian world in America with us, so long as we have so strong a party of wise, zealous, and disinterested friends at the North, making every exertion to put down the fanatical spirit of abolition, we care little about what is said or thought in France or England. Let us cherish, then, said he, those kindly sympathies felt by each section of the Union for the other; and though the fairest fabrics of Government in the old world may be broken down, though the liberties of their people may be put in jeopardy, we shall stand secure; our Union will be preserved, upheld by a community of feeling, of interest, and of origin, as well as the ennobling recollections of the history of our common country.

It was not to be doubted, however, (said Mr. K.,) that if ever public sentiment at the North is against us; that if it acquire such strength as to induce Congress to take up the subject of abolition, and legislate on it, to the destruction of our rights, of our peace, and of our safety; great as must be the sacrifice, whenever that day shall arrive, we shall consider that the cords which bind this Union together are severed. He begged his northern friends to bear this in mind; to believe that such would be the inevitable effect of an interference by Congress with the subject, and to use every exertion in their power to put an end to this excitement before it produced further mischief.

It was disavowed by these abolitionists, on all hands, that they had any intention of interfering with slavery as it existed in the States. Here, in this District, was the battle ground, and here the plan of all their operations was laid. It was admitted that there was a difference of opinion entertained among gentlemen of sound and discriminating judgment on both sides of the question, with regard to the power of Congress to legislate on the subject of slavery within the ten miles square ceded to the general Government by the States of Virginia and Maryland. The Senator from Vermont [Mr. PRENTISS] had entered into a long and carefully prepared argument to show that Congress possessed this power, but the gentleman had failed in convincing him that his views were correct. He recollected that, some years ago, a report was made in the other House on a bill before that body claiming remuneration for a slave killed at New Orleans in the public service, in which the doctrine was advanced that slaves were not property. We thought, (said Mr. K.,) at the time, that the author of the report was very little removed from a madman, in endeavoring to get around the constitution in so strange a way; but the gentleman from Vermont had leaped over all the barriers of the constitution, and lighted at once on the principle that, if Congress emancipated the slaves in the District of Columbia, it would be "for the public use," and therefore in accordance with one of the provisions of that instrument. Now, he wished to know if there was one single man, when this constitution was adopted, who believed that, if ever his property was got away from him in the manner contemplated by the gentleman from Vermont, that it could be for the public use.

[Mr. PRENTISS here explained. He did not argue on the expediency or propriety of Congress emancipating the slaves in the District "for the public use." He only referred to what might hereafter be done under color of that particular clause in the constitution, and at the instance of a majority of the people of the District.]

Mr. KING continued. Do you make compensation, said he, when you emancipate a slave? Where is your fund? Is it for the public use? What public use? Do you put him to any use whatever? None, sir, none.

Sir, (said Mr. K.,) the framers of our constitution well understood that cases would frequently occur when it would become necessary for the Government to use the property of individuals to advance the public interest, and to guard against the injury which might result from the obstinate refusal of the owners to yield up such property: it was well provided that it might be taken. Yet, so careful were they to guard the rights of property from any improper interference on the part of the Government itself, that it is expressly required that it shall only be taken for public use—paying therefor a just compensation.

Now, he would ask how this clause in the constitution could possibly apply to the emancipation of slaves? You cannot (said he) take private property without the consent of the owner, unless you make him just compensation, and then only for public use. But the gentleman went still farther. He said that Congress could get rid of slavery in the District of Columbia by taxation. That is, (said Mr. K.,) if you can render property valueless by taxation, you may as well take it away at once. He should like to know what others from the North thought on this subject. If that is the prevailing sentiment, (said Mr. K.,) it is time that we should know it. Taxation may be carried to the States; but he did not believe that the gentleman from Vermont himself entertained the opinion that such a course of legislation would ever be either just or expedient. Such, he felt assured, was not the sentiment in the State of Vermont. At the last session of the Legislature of that State, if he was correctly informed, resolutions were introduced declarative of the power of Congress to emancipate slaves in this District, and they were rejected by a small majority; but at this session resolutions of the same tenor were again introduced, and they were rejected by an overwhelming majority. Yet this was the State where the abolition spirit was said to be so much increasing, and was so much to be feared.

[Mr. PRENTISS here explained. He had made no statement that the abolitionists had increased in Vermont, or were increasing.]

Mr. KING said he had not stated that the Senator had gone into an examination of the number of societies for the abolition of slavery in the State of Vermont; this, he believed, had been done by the gentleman's colleague. But to pursue the subject further. It was to him as clear as daylight, that if it had been believed for a moment, when this Government required the cession of this territory of ten miles square for the use of the national Legislature, that it would ever assert the right to emancipate, or so to tax slave property as to drive it from the possession of the owners—that if, at that time, it had been even suspected that Congress would ever claim such a power, the States of Virginia and Maryland never would have made the cession. The Senator from Maryland [Mr. GOLDSBOROUGH] had put that matter on a proper footing. The cession was made with a clear understanding, implied or otherwise, that no such power would ever be claimed. This was apparent from the fact that, at the time of the cession, the States of Virginia and Maryland had, as they still have, a large slave population; and they never would have been so blind to their own safety as to make this cession, could they have believed that Congress thereby acquired the power to produce a state of things in this District that would operate on their slaves in so dangerous a manner. If such, then, was the understanding with which this cession was made, would it not be a violation of the faith pledged to these two States, if Government was now to attempt any interference with this prohibited subject? He did not believe that there were any gentlemen on that floor disposed to attempt any legislative action by Congress with regard to slavery in this District, but there was too much reason to apprehend that there were many men in the northern States who anxiously kept that object in view. He would not dwell longer on that part of the subject, but would say that, whether the constitution did or did not apply to this case, and precluded all interference with it, good faith, as well as sound policy, demanded that such interference should never be attempted. With this remark, he would add the expression of the hope, that the argument of the Senator from Virginia, [Mr. LEIGH,] explanatory of the extent of the powers conferred on Congress by the acts of cession of the States of Virginia and Maryland, would be read and attentively considered by every man in the country who had any doubts on the subject, and carry with it, as it should, the conviction it was so well calculated to produce, that that subject should never be touched by Congress.

He should ever remember, with feelings of delight, the proceedings of a town meeting held in the city of Boston the last summer, in which strong and decisive resolutions were passed expressive of their sentiments on the subject of abolition; and he was highly gratified to witness their laudable efforts to put down these deluded abolitionists, with a foreign miscreant at their head. He was gratified at the liberal views taken there by men of high standing, for moral and intellectual worth, who, with thrilling eloquence, had portrayed the direful consequences to this Union, if the mad schemes of these misguided zealots were persevered in; vindicated the rights and feelings of their brethren of the South, and called upon their fellow-citizens to aid them in restoring peace and tranquillity to their common country. He did hope that the efforts of such men, aided by the good sense and virtue of their fellow-citizens, would be finally successful. He looked to the course of the great State of New York, and particularly to the able and patriotic message of her Governor, as one of the most powerful engines employed in the destruction of this dangerous spirit of abolition. He looked to the messages of the Governors of the States where these societies existed, and which could not be too highly commended, as an evidence that they of the South had with them the intelligence, the moral worth, and the influential eminence, of their northern brethren. But he would say to those of the North who, notwithstanding the opposition of these influences, still contemplated the emancipation of the slaves now in the District of Columbia, that they never could, by any possibility, accomplish the object they had in view. If there was no constitutional obstacle in the way, if there was no breach of good faith towards the States who ceded this District to the federal Government to be broken down, what would be the consequences if Congress attempted to legislate on the subject? Why, the very moment that either house of Congress carried out such legislation, there would not be a slave left in the District. They would immediately be sold to the South; they would be driven from the homes that were endeared to them, from the masters who had reared them up, and the sports of whose children they had shared, to toil in a distant land, controlled by a stranger-master. Was it worthy of discreet wise men in the North to lavish their money, and send abroad their agents, to effect an object that could end in accomplishing no earthly good? Was the slave to be benefited? No; the interest of the master would forbid it. He could not be emancipated even by an act of Congress; but his condition might be rendered worse by sending him to a distant land. When the day arrives (said Mr. K.) that slavery is abolished here, then the pious ladies of Ohio, who are so feelingly alive to the evils of slavery, may come to listen to the debates in Congress without having their feelings shocked by witnessing the bondage of their colored brethren; they will see no slaves here, for they will all have been transferred to the South; but they will see a miserable, depraved, and degraded, colored population, called free, instead of well-fed, well-clothed, happy, and contented slaves whom their misguided zeal has aided in driving from the homes of their childhood.

These would be the inevitable consequences of the abolition societies, if they succeeded in their designs with respect to the District of Columbia. It was not designed by them, he believed, to extend their object beyond this District; but if it was so, it was time that the people of the South knew it. Few, he presumed, were so entirely deluded by their mistaken philanthropy, and so wholly ignorant of the condition of the southern States, with regard to their slave population, as to contemplate producing such a horrid state of things as must result from any interference with the subject there; but the course of operations on this District had created a state of agitation and alarm at the South which could be caused by hardly any other subject. It was the duty of their friends from the North to adopt some measure which would put down these dangerous associations, whose memorials had caused so alarming an excitement. By doing so, they would quiet the apprehensions of the South, and prove to the people of that section of the country how little cause they had to fear that this Union, so free, so happy, so essential to the well-being both of the North and the South, could be jeoparded by wild attempts at emancipation, that can produce no good effect on the happiness of the slave, but must, from the very nature of things, result in the deterioration of his condition. He could not conclude without saying one word to his brethren of the South. He wished them to believe that, as cordially and as promptly as any man, he would go with them in adopting the most energetic measures for the purpose of putting an end to these continued attempts in Congress, which disturbed and disquieted the southern States; and that if ever the time arrived that Congress should interfere with this prohibited subject, he would be found among the foremost, resisting, by all the means in his power, any and every encroachment on the rights secured to them by their fathers. He wished them to know that, if he could bring himself to the belief that the reception of the memorial would have the effect of producing an impression that Congress could legislate on the subject of which it treated, he would hesitate long before he would consent to receive it. But he could not entertain such a belief; he felt assured that the reception of the memorial would have no such effect, while it would avoid the dangerous implication of having abridged the right of petition as secured by the constitution.

The course proposed by the Senator from Pennsylvania, on the other hand, would, if adopted, be the most decisive that could be pursued. It would allow the petitioners, in their quality of citizens of the United States, to present themselves before the Senate, to have a hearing, and it would at the same time show them how vain and futile was the hope of their ever producing any action in Congress. Sir, I have done. I felt bound in justice to myself, differing as I do with many of my friends, briefly to state the grounds upon which my action rests.

After Mr. KING had concluded,

Mr. CUTHBERT expressed a wish to address the Senate on the subject before the question was taken. As he then felt somewhat indisposed, he hoped the Senate would not compel him to go on at that late hour, but would indulge him by postponing the question till to-morrow.

Mr. HUBBARD moved to postpone the further consideration of the subject until Monday; which was agreed to.

Several bills received from the House were read a first and second time, and referred to appropriate committees.

On motion of Mr. CLAY, the Senate proceeded to the consideration of executive business; and, after remaining for some time with closed doors,

The Senate adjourned.

FRIDAY, MARCH 4.

R. C. NICHOLAS, Senator from Louisiana, appeared, and took his seat.

Mr. PORTER presented the credentials of R. C. NICHOLAS, appointed a Senator from Louisiana, and the oath was administered.

The CHAIR announced that, in compliance with the instructions of the Senate, he had appointed Mr. WALKER to be a member of the Committee for the District of Columbia, in the room of Mr. TYLER, resigned.

Mr. KING, of Alabama, expressed his hope that, by universal concurrence, Mr. KENT would be considered as chairman; and such was understood to be the decision of the Senate.

On motion of Mr. WEBSTER, the Chair was empowered to appoint a member of the Committee on Finance, to fill the vacancy caused by the resignation of Mr. TYLER.

ALABAMA PRE-EMPTION RIGHTS.

Mr. EWING, of Ohio, from the Committee on the Public Lands, made an unfavorable report on the memorial of the Legislature of Alabama, asking for preemption rights for settlers on the public lands, who were deprived of their improvements in consequence of Indian reservations.

Mr. EWING said he had been instructed by the committee to report against these pre-emption claims, on the ground that, in the opinion of the committee, the grant of pre-emption was a mere gratuity, and that the petitioners had no legal right whatever to the lands they had been deprived of.

Mr. KING, of Alabama, freely admitted that the laws granting pre-emption rights gave mere gratuities, and that the individuals had no legal right to the land they had been deprived of. But the Government had, in a spirit of wise liberality, made grants to those individuals who had settled on and improved the lands, educated their children, and added to the resources and population of a growing country. These grants were general, and, in pursuance of the Indian treaty, these individuals were deprived of their improvements for the purpose of locating floating Indian reservations. It was extremely hard that these individuals, after having made their improvements, and believed that they had secured to themselves a home, should be deprived of them by floating Indian reservations, which they could not possibly have anticipated when they settled on their lands. He should move to lay the report on the table, and when it came up again he hoped he should be able to satisfy the Senate that this wise gratuity of Congress towards these individuals should not be departed from because they had unfortunately come under the operation of circumstances which were unforeseen and unexpected.

The report was then laid on the table.

EXPUNGING RESOLUTION.

Mr. BENTON remarked that he was under a pledge to the American people to bring forward a motion for expunging from the journals of the Senate certain resolutions which had passed that body. He had not made this motion up to the present time, because he thought it was a motion of that character requiring the Senate to be full when it was made. The Senate was not yet entirely full; there was still a vacancy, but it would probably be filled in the course of two weeks. He therefore thought proper now to give notice (though he was not called on by any rule of the Senate to give such notice) that, as soon as that vacancy was filled, he should bring foward his motion to expunge the resolutions he had referred to.

CUMBERLAND ROAD.

On motion of Mr. HENDRICKS, the Senate resumed the consideration of the bill for the completion of the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri; and the question was then taken on the first part of Mr. Clay's amendment, to strike out $320,000, the appropriation for the road in Ohio, and insert $200,000, and carried by the following vote:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Swift, Tomlinson, Walker, White—21.

NAYS—Messrs. Benton, Buchanan, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Linn, McKean, Morris, Niles, Robbins, Robinson, Shepley, Tallmadge, Tipton, Wall, Webster, Wright—19.

Mr. HENDRICKS stated the effect of this vote. There was $182,000 appropriated last year, and if the amendment of the Senator from Kentucky [Mr. CLAY] prevailed, it would reduce the appropriation now to a less amount than was appropriated to the road in the State of Indiana at the last session.

Mr. KNIGHT, in voting, had went on the principle that $200,000 was as much as could be economically expended in one year. But after hearing the statement of the Senator from Indiana [Mr. HENDRICKS] he would change his vote.

Mr. KING, of Alabama, had not been in his place when the bill was up before. He thought the sum of $200,000 an amount which, if expended as it ought to be, was sufficient for one season. He thought they ought to complete a part of the road as far as they went, and not leave any of it in an unfinished state, so that it might be transferred to the States. With that view of the subject, he should vote for the reduction of the amount appropriated to $200,000.

Mr. CLAY could go for the $200,000, but not beyond it, and went into a detail of the several amounts that had been appropriated and expended on the road. He had supposed the appropriation was to go to grading the road in Illinois. If it was to be Macadamized with material to be hauled some thirteen miles, the road form the Wabash to the Mississippi would cost from ten to fifteen thousand dollars per mile. For one, he was not willing to put such an expenditure upon it. The road from Maysville to Lexington, Kentucky, had cost only at the rate of five thousand dollars per mile. He was opposed to commencing a system in Illinois that would incur an expenditure of from ten to fifteen thousand per mile. He had an amendment he intended to offer at some future stage of the bill.

Mr. HENDRICKS went into an argument to show the advantages of a large appropriation over a small one. There was only about half the distance to work upon the road in Ohio that there was in Indiana. The difficulty in procuring stone was not so great as some gentlemen had imagined, as there were gravel beds of considerable extent convenient to the road.

After some remarks from **Mr. NILES,**

Mr. BENTON referred to some of the arguments used by him the other day, to show that it was really wasteful to make these small appropriations.

Mr. KING, of Alabama, said the road had cost more than it was really worth. He would prefer that a reasonable estimate should be made of the expense necessary to complete it, and that companies should be incorporated by the Legislatures of States through which it passed, to make it; and that Congress should make an appropriation to assist them in doing it. He had no doubt it would cost less in that way. He adverted to the manner in which it was pressed upon the Senate by the members immediately interested. They would be glad in his State to have an appropriation even to their common roads. He was disposed to be liberal, but not lavish. He had no disposition to embarrass any of the new States. He lived in one himself. He would vote to limit the appropriation to $200,000.

Mr. ROBINSON said the system of making this road had been changed, and the expense of construction greatly reduced. He ventured to assert there was no one place where stones would have to be drawn the distrance of twenty-five miles. There was one place where a bridge was to be built, to which stones would be drawn thirteen miles. He spoke of the great importance of the road, and would feel sorry if measures should be taken to prevent its being Macadamized. The Government had induced people to believe it would go on and make this road, in consequence of which they had been induced to purchase the Government lands at an advanced price, and not to go on with it would be doing injustice to them. Its importance in a national point of view would be enhanced by the increased expedition in transporting the mails.

Mr. TIPTON said the argument founded on the scarcity of stone did not apply in Indiana, where it was abundant. The engineers, in their estimate, had reported that the greatest amount that could be advantageously expended in one season was $600,000, and the smallest $350,000, which was in the bill. They did not ask a pledge to make it at the expense which the gentleman from Kentucky [Mr. CLAY] had said it would cost, by hauling stone twenty-five miles.

Mr. KING, of Alabama, would ask the Senator from Indiana if this road did not pass through an extensive prairie? If it did, he well knew the difficulty and expense in making roads through them, and explained the nature of them at some length. A railroad would, in his opinion, through that level country, answer a better purpose, and cost less, than Macadamized road, and he would prefer that it might be changed to a railroad.

Mr. HENDRICKS said that the remarks of the gentleman would apply to Illinois, but not to Indiana. As the road had been graded with a view to Macadamizing it, the grading would have to be changed, and nearly all the expense of grading that had been done would be lost.

The question was then taken on the second part of Mr. CLAY's amendment, to strike out $350,000 for the road in Indiana, and insert $100,000, and lost: Yeas 22, nays 22, as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Crittenden, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Naudain, Niles, Porter, Prentiss, Preston, Swift, Tomlinson, Walker, White—22.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Knight, Linn, McKean, Morris, Nicholas, Robbins, Robinson, Shepley, Tallmadge, Tipton, Wall, Webster, Wright—22.

Mr. CLAY then submitted the following amendment: "provided the expenditure of that portion of the appropriation to be made in the State of Illinois shall be limited to the graduation and bridging of said road, and shall not be construed as pledging Congress for future appropriations for Macadamizing said road."

He would add a single remark: If the object was to make this a Macadamized road, it would be cheaper to make both a railroad and a Macadamized road—a railroad to transport the stone upon for the Macadamized road. He hoped they would be content with the $200,000.

Mr. ROBINSON answered the objection, that stone was scarce in Illinois—portions of the country abounded there with limestone, and opposed the amendment offered by Mr. CLAY.

Mr. CLAY had hoped that an amendment so innocent in its character would not have been opposed. If the amendment was not adopted, the Government would stand pledged to go on and Macadamize the whole road. He hoped the amendment would be adopted, and demanded the yeas and nays, which were accordingly ordered; and, on taking the question, Mr. CLAY's last amendment was carried: Yeas 30, nays 14, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White—30.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Linn, Morris, Robinson, Tipton, Wright—14.

Mr. BLACK moved to amend the bill by an appropriation of $150,000 for the repair of the road from Chattahoochie to Chotocton, and from Mobile to New Orleans.

Mr. BLACK contended that the road embraced in his amendment had as much of a national character as the road through Ohio, Indiana, and Illinois. The transportation of the great southern mail was upon it. He hoped his amendment would be agreed to. The population was so sparse in places along these roads that they were not able to keep them in repair.

Mr. EWING, of Ohio, thought there was merit in the amendment offered by the gentleman from Mississippi, [Mr. BLACK,] and, if he would offer it in a separate bill, he would be disposed to vote in favor of it.

Mr. LINN did not wish to see the bill clogged, to break it down by the amendment offered by the gentleman from Mississippi.

Mr. PORTER was not sure that his friend from Mississippi was serious in offering this amendment, but he was inclined to give it his strenuous support, for there never was a measure more imperiously called for. He thought it was of equal importance with the bill itself. Mr. P., in reply to Mr. EWING, vindicated the expediency as well as the constitutionality of the amendment, and said he was anxious to have it tacked to so strong a measure as the great Cumberland road, in order to secure it from the President's veto. He felt confident, though, that when the President came to examine into the matter, and saw that this road was as national even as the one from New York to Washington, that he would give it his approval. He trusted that the friends of the bill would not object to the amendment. The claims of his section of the country were so strong, and the injustice of refusing it so manifest, that he had every hope that gentlemen, on a proper consideration, would give it their support.

Mr. MOORE was very glad that the amendment had been introduced. He thought, so far from clogging the bill, that it would render it more palatable in some quarters; and only regretted that the appropriation proposed had not been larger. Mr. M. then spoke of the difficulties in transporting the mail; and suggested to the gentleman to modify the amendment, so as to make it read "for repairing and constructing the main post road leading from Washington to New Orleans." This, by making the object more national, would go some way towards removing the objections to it.

Mr. BLACK accepted the suggestion, and modified his motion by adding the words, "being the road on which the great southern mail is transported from Washington to New Orleans."

After some further remarks from Mr. MOORE,

Mr. BLACK said he did not offer the amendment with a view to clog the bill. He thought it as proper a place for it as to make it a separate bill.

Mr. KING, of Alabama, could not vote for the amendment offered by the gentleman from Mississippi. He was not aware that he was going to offer it. No considerations of local interest could induce him to vote for an unconstitutional appropriation. He hoped the gentleman from Mississippi would withdraw the amendment, and not encumber the Cumberland road bill with it.

Mr. TIPTON was not prepared for the amendment proposed by the gentleman from Mississippi, and although compelled to vote against it, yet if gentlemen coming from the Southwest will propose to apply the two per cent. fund of their States to this object, he would make no objection to it. One objection to the amendment was, that they had no estimates, and knew not the length of the road, or how it was to be constructed. He must oppose this new proposition, coming in at this late stage of an important bill. Let gentlemen propose a bill for making the surveys, and he should vote for it, and when full information was obtained, he had no doubt but the measure would pass on a proper application.

Mr. BLACK observed that the proposition was barely for repairing a road already laid out, on which the mail had long been carried. It had been said that this project would expend ten millions of dollars. This could not be so, for the two per cent. fund had long been expended. If this appropriation was to be made in Ohio and Indiana, and was constitutional, it certainly was not unconstitutional to make this road in the southwestern States. It certainly was of far greater importance than any road contemplated in the bill, and he was surprised at gentlemen's opposition to it.

After some remarks from Messrs. MORRIS, CRITTENDEN, and PORTER,

On taking the question, Mr. BLACK's motion to amend was lost: Yeas 6, nays 34, as follows:

YEAS—Messrs. Black, Clay, Crittenden, Goldsborough, Moore, Porter--6.

NAYS—Messrs. Benton, Brown, Buchanan, Calhoun, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Morris, Nicholas, Niles, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, Wright--34.

On motion of Mr. NAUDAIN, the bill was further amended, by providing that the money appropriated for the completion of the road in the States of Ohio, Indiana, and Illinois, shall be expended for the completion of the greatest continuous portion of such road possible, so that such finished parts shall be surrendered to said States respectively.

Mr. CRITTENDEN then moved to amend the bill by striking out the words "to be repaid out of the fund reserved for making roads leading to said States."

After some further remarks from Messrs. CRITTENDEN and NILES,

The Senate adjourned over to Monday.

MONDAY, MARCH 7.

The honorable R. C. NICHOLAS was announced as a member of the Committee on Finance, under the order of the House, appointed by the Chair, in the room of the honorable JOHN TYLER.

ABOLITION OF SLAVERY.

The Senate proceeded to consider the petition of the Society of Friends of Philadelphia, praying for the abolition of slavery in the District of Columbia.

The question being on the motion of Mr. CALHOUN that the petition be not received.

Mr. CUTHBERT observed that the indisposition under which he labored, as well as the extreme length to which this discussion had been carried, would make him prefer, if he could think it proper to do so, to avoid addressing the Senate on this occasion. At best, he should be able to speak but briefly, and with his usual difficulty, and he should incur no risk, therefore, of being charged with having unnecessarily protracted the debate. This certainly was a subject on which, as an individual, he could not feel indifferent; and if he could be so, he should only be criminal to the deepest interests and feelings of the people he represented. He should, therefore, on a few points which appeared to be the most important, express the opinions he had formed; and here let him be understood in making a clear and uniform distinction, in all that he might say, between those who lead and those who follow—between those who, under the influence of vanity and a criminal ambition, had meditated and attempted the wildest and most dangerous projects, and those well disposed persons who, misled by a mistaken philanthropy, may yet recover their sober and steady judgment. He hoped, nay, he felt confident, that they would recover from their delusions.

Do I (said Mr. C.) feel any apprehensions of a dangerous increase and wide-spread prevalence of the spirit of abolition? I do not, (said he,)—I would belie my own judgment, if I felt any serious disturbance on this subject. Why am I (said he) insensible to these terrors? For this plain and obvious reason, that the spirit of abolition was not an American spirit; it was transplanted from a foreign soil; it belonged not here, and was a base mockery of what had passed in another country, whose relations to their slave population were not only not similar to ours, but stood in absolute contrast with them. Has this spirit (said Mr. C.) grown among ourselves? has it originated on this side of the Atlantic, or has it been caught by contagion from England? It was caught by contagion, certainly, for it had nothing proper to American growth, nothing congenial with American feelings, and was wholly foreign and unsuited to the genius of our people. Then, if it came across the Atlantic, if it had not kindred feeling here, was there any i‹ the grading would have to be changed, and nearly | Mr. P., in reply to Mr. Ewing, vindicated the expedi-

reason to apprehend that it would ever take a firm root in our soil? He felt assured not. The colonies of England, where abolition took place, were all governed with as absolute a sway by the mother country, as the slaves in this country were ruled by their masters. They had no privilege of self-government; they had not even the privilege of interposing their advice when the mother country was about to take from them their property; their fate was absolutely determined by the will of the mother country, and they could not even raise a voice of their own, to delay the evils which that Government was about to inflict upon them. And what then was the character of the white population of the West India islands? Had these people ever any fixed character? The owners of property in the West Indies were not even, a majority of them, residents there. A few luxurious feeble slaveholders resided in the mother country; these were represented in the islands by their agents; also a small number sent from Europe to manage the business of these non-residents, and there being no inspection of society there, they led depraved and licentious lives, destined to a short period. The whole desire of the owners residing in the mother country was to exact as much as possible from their estates in the colonies for the maintenance of their luxuries at home, and their vast possessions in the islands were managed by the agents, solely with a view to their selfish interests. Was this the relative condition of the white and black population in the southern States; and was such a state of society as he had described to be found in them? Why, every gentleman's good sense revolted at the comparison. Our States were actual sovereignties, combined together into one great republic. Here, then, was the difference between this country and the British colonies. The question as to emancipation was not the same with us as with them; it was not only not similar, but in direct contradiction to it.

These several State Governments not only administered all their own internal concerns by their own laws, but all the other State Governments were in no manner permitted to interfere them. They watched over the peculiar safety and interests of their own citizens, and were not to be regarded, not even to be looked at, by the Governments of their sister States. Here, then, was a strong reason why we ought not to feel any apprehensions of the progress of the spirit of abolition. A state of society, such as he had described in England and her colonies, existed not here. We had a numerous, active, and spirited population, advancing every moment in all that belonged to morals and intelligence—a population in which general education was an actual passion, in which to enlighten the people was a principal care. All that could dignify, all that could strengthen, all that could adorn human nature, was here found; it was native, and not of to-day, but came to us through a series of generations. And second to that state of society, the relations subsisting between masters and slaves had, for a series of years, been approaching to that state of perfection which had never before been exhibited in any slaveholding country. Could any one suppose that a population such as this could be disturbed by the ill-directed efforts of a parcel of miserable deluded fanatics? No change in their situation could be made without actual ruin, without actual extermination. Hence the gloomy and alarming picture drawn by his friend from South Carolina, [Mr. Preston,] a picture which owed the darkness of its colors to the strength of his own imagination; a picture which was designed from the regions of romance, and not from sober reality, had no terrors for them; one glance at a brighter prospect, and truth owning its sway, they were freed from the melancholy presentiments but momentarily indulged. Then, what was to be thought of the folly of those abolitionists who, with such a Government as ours, with such a population, and with such relations of society, could hope to propagate their miserable delusions? What must be thought of their wickedness, as well as their total destitution of all the common feelings of humanity? Did they not show the weakness of their understandings, as well as the depravity of their hearts? And who and what were they? Boys from the cloisters of a college, ignorant of the form and spirit of our free institutions, and unacquainted with the state of society, their blinded and ill-directed philanthropy would intermeddle with; bigoted priests, forgetting their sacred calling and the service of their God, regardless of that holy religion whose leading principle was peace and good will among men, would introduce discontent, discord, and even rebellion, where there was contentment, happiness, and peace; others, of the vain, ambitious, and restless, who, conscious of the want of those moral and intellectual powers which alone are truly calculated to elevate the individual, seek to rise into consequence by the aid of a popular delusion. What was the leader of all these? Who and what was he? Had he been marked out by the Almighty, and gifted with those great and powerful intellectual qualities with which Providence endows those who are to accomplish great revolutions? He had never heard that this individual ever possessed any such attributes. He was not a Wilberforce, to draw with him the feelings and opinions of a nation in favor of universal emancipation. Here (Mr. C. said) he would observe that if Wilberforce had been an American, he would have been an anti-abolitionist; he would never have sought to alter such a state of society as exists in the slaveholding States, and never would have incurred the risk of producing such fearful evils in a population where there was so little that required amelioration. Was there any one who supposed that an enlightened statesman, possessing the talents, the general intelligence, the enlarged and liberal views of society and of the principles of government that Wilberforce did, would cherish for a moment the wild and visionary schemes of these abolitionists? Was there any man on that floor, whether from the North or from the South, who avowed himself an abolitionist? If there was, let him speak. There was none, then—not one. Here was an answer to the abolitionists. There was not one man on that floor who avowed himself a follower of this pitiful mockery of English philanthropy.

If our Government and the connexions of our society and Government were such as he had described them, and as every gentleman believed them to be; if their influence was felt as he had supposed throughout the country, (and to doubt that they were so felt would be to doubt that ours was a thinking and sagacious people;) if such was the character of the American people who had uniformly expressed their detestation of the plans of the abolitionists, then let him say that, so far from being influenced by any terrors arising from the events of the last year, his confidence in the stability of the Union, and in the permanency of our free institutions, had been strengthened. No man who had attentively observed the progress for years of certain doctrines, but must have come to the conclusion that strenuous and persevering attempts would be made for the emancipation of the African race in this country. He believed every gentleman knew this, and the only question was, would or would not the American people encourage such attempts? Did they encourage them? No. Was saying that they discouraged them using a term sufficiently strong? Every where these attempts had been met by the most decided opposition—everywhere it had encountered the universal scorn and detestation of the community, and the feeling with which this spirit of abolition had been met had of itself been sufficient to kindle and strengthen the spirit of American patriotism. And was patriotism a mere word to flatter the people, or to adorn a speech with rhetorical flourishes? No. It was a holy feeling, springing from the purest and noblest principles of our nature, and, where government was well understood, gave double force to every social virtue.

Our people had evinced that patriotism in resisting with energy and success that wide-spread and wild spirit of fanaticism which threatened to produce jealousies and heart-burnings in a united and happy country; and so far from the events of the past year having tended to weaken the bonds of this Union, they were only calculated to show its durability and its strength. As the lofty pine on the mountains becomes more firmly rooted as it is shaken by the tempest, so had the love for this Union taken deeper root in our hearts. As we watch over the infant sleeping in our arms, it becomes nearer and dearer to our hearts, so was this Union more deeply rooted in our affections the more it was cherished. Yes, he felt with his friend from Alabama [Mr. KING] how kindly they were treated by their northern fellow-citizens. They did not (said Mr. C.) coldly do their duty to us as signified by the terms of the constitution. With a warm affection for their southern brethren they rushed to their aid; with a strong and willing indignation they rebuked the spirit of discord and mischief; and with a generous zeal put themselves in hostile array against those we have a right to term our enemies. They had (said Mr. C.) done us full justice, and that justice was given with a promptitude and warmth of feeling truly consistent with the American character.

There was one principle which had not been recognised in the course of this discussion, and gave him greater confidence in the strength of our institutions. It was this: although this debate had been protracted to an unusual degree, and accompanied with all that energy which belonged to the American character, yet, with a spirit of conciliation and harmony not to be found in any other legislative body in the world, they all concurred in the desire to accomplish one object, differing only as to the manner of accomplishing it; and the result was, that, throughout the country, there was a strong party formed in favor of all that was good against that which was evil, and a powerful influence was now operating against these miserable fanatics for the safety of our institutions. There is another additional point of strength (said Mr. C.) in our position, which would soon become well known to the mass of the people of the United States. It was that these liberated blacks (should the abolitionists succeed in their projects) would find no spot on which to rest a foot in this widely expanded Union. Would they find it in New York? Let the events of the last season speak. Would they find it in friendly Philadelphia? No. The tumultuous assemblages in that city, the well known state of popular feelings there, as evinced not long ago, sufficiently showed that the black portion of its population would never be suffered to increase.

I pronounce (said Mr. C.) that there is a stronger natural horror and aversion for the black race in the North than in the South. What, then, would be the consequences of emancipation? If the northern people could not tolerate the small number of blacks now among them, how would they admit the vast number that will be set at large by the plan of emancipation? And if they would not admit them, were they to be caged up with the people of the South for mutual massacre and destruction? No; the inevitable consequences of emancipation, so readily presented to the view, showed the absurdity and impossibility of the scheme, and that it never could gain strength or durability among a reflecting and reasoning people.

He would say one word as to the two propositions before the Senate for the disposal of the memorial; the one not to receive the memorial at all, and the other to receive it, and then reject its prayer. He should separate himself, in the vote he should give with regard to the first, from friends with whom he had acted; friends they were; and when he spoke of the sincerity and purity of their course in that body, he did not speak vain words. He knew that they were influenced by a sincere and honest conviction that the pressing of the first motion was not for the public good; but his judgment differed from theirs, and he believed it to be his duty to support the first motion, though he held that belief with great diffidence, because he saw the whole force of the reasons which gentlemen urged against it.

Of the two propositions before the Senate, he felt himself compelled to vote for that which was the strongest in opposition to the memorial. He had found no constitutional reasons for opposing this measure, no well-founded objections, under a proper construction of the constitution, to giving this vote such as his friends believed; it did not appear to him to be violating that part of the constitution which secured the right of the people peaceably to assemble and petition for a redress of grievances. The first step, with regard to the right of petition, it was not pretended had been prevented. The people had assembled without let or hinderance, and had petitioned. The question, then, was, how this vote would affect the second part of the right of petition, and how far the petition was for a redress of grievances. With respect to the latter, it was not pretended by any one that slavery in the District of Columbia was a grievance of which the petitioners had a right to complain; and as to the first, the petitioners had a hearing, and their petition had been fully discussed. The member who introduces a petition states the substance of it, and any member may demand that it shall be read. Then, what was denied to the petitioner? Was he indignantly refused a hearing? By no means. The motion applied not to the petitioners themselves, but to the substance of their petition.

You make (said Mr. C.) the most prompt and decided objection to the prayer of the petition which the rules of the body permit, and you do it with a due regard to the feelings of those who presented it. You say to them no more than a kind and indulgent parent has a right to say to his own child: that their request is so unreasonable that the granting of it would be productive of so much mischief to themselves, as well as to others, that it could not for a moment be listened to. Was this unkind, or language unbecoming a parent addressing his child? Your purpose (said Mr. C.) is to warn them, in the most decided terms, that to persevere would bring ruin on themselves, as well as produce the most fearful evils; and you entreat them to abandon a course destructive of the best interests of the political family, without producing the least good to themselves or to those for whom their sympathies were excited.

The rule (said Mr. C.) under which this motion was made was founded on the constitution itself; and, so far from determining that you shall receive a petition, it made the first question to determine whether it shall or shall not be received. What, then, was their duty? It is a duty (said Mr. C.) which we owe to ourselves, to those whom we represent, and to the petitioners, to express what we know to be the determination of the whole southern people on the subject, in the most decided and most intelligible form. Should the petitioners not know this, they might be led into a course of perseverance productive of great and continued excitement; and what might now be resisted by quick and decided action might hereafter be more difficult to quell, and not to be put down but by a heated and protracted debate, shaking the very foundations of this republic.

We tell these petitioners (said he) that the subject is one of such delicacy, that its agitation is so dangerous, that they shall not even touch it. Was not this the feeling of the whole Senate? And, if so, was it not their right and their duty to tell the petitioners so, that they might at once be induced to abandon their designs?

The whole Senate felt confident that the people of this country would not give countenance to the projects of these abolitionists; and therefore, in refusing to receive the petition, they would be acting in accordance with the sentiments of the majority. There was one delicate point in this question which they must meet face to face. There was a project entertained by many good men to touch this subject as it regarded the District of Columbia, and some gentlemen were obliged to acknowledge it; and he told them, and told them in good time, that to touch this subject here was to touch it in the southern States. The people of the South would regard such legislation as the breach through which their invaders would march, to spread ruin, devastation, and blood, over their country. He called on gentlemen, then, to check this spirit, which would lead to wo and disaster. I tell them (said he) to warn their people not to approach this subject. In the singular structure of the human mind, the firmest convictions might rest on erroneous foundations, and it became not one situated as he was to predict with certainty that it was impossible that the spirit of abolition should ever be prevalent in this country. He now believed that it never could; but as there seemed, in the estimation of many, to be some danger of it, he warned gentlemen of the necessity of adopting such measures as would effectually put down this spirit while there was yet time.

Mr. BROWN said, before the question on receiving the petition was taken, he owed it to himself, as well as to the importance of the subject which they were about to decide on, to present some additional views to those already given by him at an early period of the session, in support of the vote which he felt it his duty to give.

Sensibly alive, as he was, to every thing which might menace the great interests of the South, and fixed in his determination, as he was, to guard against every attempt, so far as he could, to interfere with those interests, yet he could not but express his regret at the exaggerated representations which had been so often indulged in by gentlemen, in the course of this debate, to prove that the abolition party (if party they could be called) had increased to a dangerous and alarming extent.

If (said Mr. B.) a southern planter had chanced to enter the Senate chamber when the honorable gentleman from South Carolina [Mr. PRESTON] was addressing it a few days since on this subject, he would have imagined that a proposition for the immediate emancipation of slavery was under consideration; that a vital blow had already been aimed at the great interests of the South, which required the most determined and energetic resistance. What, sir, would have been his surprise, after hearing the eloquent picture of the dangers to which we were said to be exposed, when he had learned that there was not only no proposition of that kind made by any member, but that the doctrine of abolition was repudiated by almost every individual, who had a seat in either of the halls of Congress? He would venture to say, that on no question which had ever agitated the public mind, from the foundation of the Government to this time, had there been so much unanimity of sentiment as had been expressed, in Congress and out of Congress, in opposition to the fanatical movements which had taken place in some portions of the North. If (said Mr. B.) the honorable gentleman [Mr. PRESTON] can make good his case, if he can establish the existence of the danger which he supposes to exist in regard to the subject of slavery, he, for one, would be prepared to leave the station which his constituents had assigned him here, and return home and warn them to take the proper steps for their own defence. He rejoiced, however, that a state of things existed far different from that which was, in a great degree, but the creation of the gentleman's vivid imagination.

The honorable gentleman had professed a most anxious desire that the citizens of the South should be correctly informed as to the true state of things to the North, in regard to this question, and the extent and magnitude of the danger which menaced them. He regretted that the gentleman, in the anxiety of his wish to furnish correct information to the South, had omitted, almost entirely, the testimony which had been most abundantly borne, with few exceptions, by every man to the North of distinction and prominence in public life, while he seemed to give credence to the statements of the abolitionists, who had artfully sought every means to exhibit their strength, in the most imposing manner, on paper.

The course pursued by many gentlemen in the progress of this discussion was to him one of astonishment. Many of those who had addressed the Senate on it had relied on the testimony of the abolitionists themselves, to prove that their cause was progressing. He should indeed think it strange on a trial at law, if either a suitor or his counsel in a court was to assail a man's character, and should afterwards be found relying on his evidence to make out their case. Most of the gentlemen who oppose the receiving of these petitions have denounced the abolitionists as the most vile and criminal of men, in all of which he concurred; and most of them, in the same speeches, here read from the papers and pamphlets of the same men, to make out the existence of a dangerous and alarming state of feeling to the North on the subject of slavery. He thought it against every rule of evidence, as understood in courts of law, that an individual, after having discredited a witness, should claim for him any degree of weight, if he should afterwards produce him to testify in his behalf.

Much had been said about insults which the South was subjected to, by the introduction of the petitions. This had been appealed to as a strong circumstance against receiving them. What was his surprise, then, at hearing honorable gentlemen, in the course of their speeches, read many of the most abusive and insulting extracts from abolition papers and pamphlets? What had become of that fastidious delicacy, what had become of that insulted feeling, of which we had heard so much? These extracts were worse, much worse, than any language used in the petitions; yet they had been openly read by gentlemen in the Senate, who could not submit to the insult of receiving the petitions. From their language, one would have supposed that they would as soon have worn the shirt of Nessus, famed in fabulous story for inflicting the severest pain on those who wore it, as in any way to have handled, much less read, these incendiary publications. Mr. B. said gentlemen had not only read in their places here most offensive extracts from these publications, but they had incorporated them into their speeches, to be issued from the daily press of this city throughout the country. In this way, and by the aid of gentlemen representing some of the southern States, incendiary matter had been propagated to an extent which the abolitionists could not have done themselves by years of labor and perseverance. Three daily papers were published in this city, circulating through the remotest part of the country; and in performing their duty to report the speeches of members of Congress, their columns, at different periods of the session, had been filled with very many containing matter of this kind. The abolitionists had been very properly deprived of the opportunity to abuse the privileges of the mail, by transmitting publications of an incendiary character through it. Not so was it with the speeches of members of Congress; on them there was no restriction; and to many of them were the abolitionists indebted for sending to the South their fanatical effusions; which, but for that circumstance, must have remained in deserved contempt and obscurity. This too, said he, had been done by gentlemen who could not for a moment allow the petitions to be received, in obedience to the high injunctions of the constitution, as regarded the right of petition, although there was a certainty that the Senate would not entertain the objects of the petitioners for a moment, but, after being in possession of it, would stamp their condemnation on it, by rejection or otherwise.

Mr. B. said that himself and others from the South, who acted with him on this occasion, had been charged with dividing the South on this question. He repelled the charge as unsustained by the whole history of petitions, in regard to the question of slavery, from an early day of our Government. It had been the uniform practice of Congress to receive them in relation to this District, and had been constantly voted for and acquiesced in by the most wise and patriotic men from the South. Congress had heretofore wisely given them a silent direction, and had thus avoided the ill-advised course which had this session been taken, and which every hour admonished us was pregnant with the greatest evil. It was not his friends who had divided the South on this occasion; but it was those who had thought proper to take a different course than that heretofore taken by the southern representatives who had produced the division—ay, not only divided the South, but had divided from themselves, by pursuing a different course from that taken by them on former occasions in respect to this question. Mr. B. here referred to the journals of the Senate at the session of 1833 and 1834, and that of 1834 and 1835. In the former, several petitions in favor of abolition in the District of Columbia had been presented in the Senate. In the course of the latter, a number more had been presented at different periods of the session; all of which were not only received, but honored with a reference to the Committee on the District of Columbia, without opposition from a single individual of that body, and, consequently, by the unanimous consent of the Senate. The Senators from South Carolina were then members of this body, and must have acquiesced in this course. Most of the gentlemen at present members of this body from the South, and who now oppose the simple reception of these petitions, were then belonging to it, and must likewise have assented to the disposition made of them. He repeated, therefore, that it was not those who acted with him on this occasion who had contributed to divide the South, but it was those who now raised the question out of which this debate had sprung, who had produced that division, and had even done more--had divided from the course formerly pursued by themselves.

Mr. B. said he was at a loss to understand how it happened that gentlemen thought so differently from what they had done in the years 1834 and 1835. Was it because this happened to be the year 1836?

It had been charged (said Mr. B.) against those with whom he acted, by one of the Senators from South Carolina, that they had introduced topics of a party and political character into this debate. What motive or what inducement could they have in connecting party politics with this question? On the contrary, it was that very connexion which himself and his friends had constantly deprecated as being fraught with the most pernicious consequences to the whole country. The gentleman's usually faithful memory had not served him well on this occasion. Did he not remember that his colleague had but a short time before that exhibited in the Senate an abolition paper, and had sought to connect with it the names of two distinguished individuals, candidates for high offices, when it was promptly stated by a member on this floor that the paper so exhibited was one of inveterate enmity to the cause which it had pretended to espouse, and had assumed that guise the more fully to accomplish its purposes of political hatred?

[Mr. Preston, in explanation, said he did not intend to attach blame to either political party, if he was so understood.]

Mr. B. said he was happy to hear the gentleman disclaim making the imputation which he had understood him to make. He well knew the untiring efforts which partisan politicians, and editors of newspapers of a certain political cast, were making to connect this question with party politics.

It had been urged as an argument in favor of the motion to refuse to receive the petition, that it would have the effect to arrest the progress of the abolitionists if the doors of Congress were closed against them. He could not believe that it would produce the result which seemed to be so confidently anticipated by some Senators. The tendency of such a course would be far more likely to aid their designs and increase their strength than to put them down. It would enable them to take shelter, from the storm of public indignation which then threatened them, under the constitutional provision which secures the right of petition to the humblest and meanest individual. It would give them a weapon to use against our friends to the North; in short, in his estimation, it would have the effect to weaken those in that section of our country who had taken an open and manly stand in behalf of the South, while on the other hand it would tend to strengthen our enemies. Were there any so little experienced in the knowledge of human nature as not to know that there is no individual, however abject and degraded he might be, if brought before a court of justice to answer to a criminal charge, and he is deprived of the rights on his trial which the laws secure to all without distinction, but would have sympathies enlisted in his behalf, in the community around him, which, under other circumstances, would have remained unmoved. Similar to this would be the effect of refusing the constitutional right of petition in this case. So much for the probable effect of such a course on public opinion to the North. A few words, then, as to the probable effect on the abolitionists themselves. He could not believe that it would operate to cure that mental insanity on this subject which had seized on them. Did gentlemen really believe that a decision of the Senate not to receive their petitions would have the efficacy attributed to it? Did they hope to convince their judgments by such decision? If so, he thought they would be greatly deceived; for when had a rooted prejudice been plucked from the human mind by such a course, engendered in the dark and brooding spirit of fanaticism?

Mr. B. said that the Senator from Vermont [Mr. Swift] had, in answer to a call made upon him by a member of that body, borne testimony to the increase in the number of abolition societies in his State, since he had left home to attend Congress. He regretted that the gentleman had not communicated another very important fact, in connexion with this subject, in relation to his State. He had been informed, from a source which he could not doubt, that the Legislature of Vermont had, at its session held some time during the last fall, rejected resolutions which had been brought forward in favor of abolishing slavery in the District of Columbia, by a very large majority—one much larger than had been given against resolutions of the same character at the session of the preceding year. It would therefore seem, from this indication, and surely it was a very fair one by which to judge of public opinion, that the abolition party in that State had been on the decrease down to the meeting of the Legislature of that State, which, he believed, was a short time before the commencement of the present session of Congress. If, therefore, the number of abolitionists had increased, as the gentleman says it had done, as he has been informed since his arrival here, the inference is very strong that it had received a new impulse from the excited discussions which commenced here at a very early period of the present session of Congress. It gave still stronger confirmation of the pernicious consequences of the course which had produced the discussion of this subject in the halls of Congress. The spirit of abolitionism, if it was extending as was represented, had, in his opinion, been enabled to do so from the aliment afforded it by the agitation of the subject here. It was by that alone that it could be kept alive to any extent. Agitation on this most exciting subject, like one of the most powerful passions of the human breast, "makes the meat on which it feeds."

Mr. B. said that he could not but trace in his own mind a very strong similitude between the history of the memorable panic session and that of the present session, in connexion with this subject. When Congress had met, at the commencement of the former, and some time after the removal of the deposites, the public mind was comparatively tranquil, and but little was heard of distress; but no sooner had it assembled, and speeches, calculated to alarm the fears of the country, were every day thrown upon it, than the public mind became excited, and its apprehensions aroused. When the present session of Congress commenced, although the people of the southern States had been in a state of high excitement in the summer months, in consequence of the movements of the abolitionists, yet they had become comparatively tranquillized, after the almost universal demonstration of public opinion at the North. An expression more general, a manifestation of public sentiment more strong and universal, never had been given before, in that quarter, on any great question pertaining even to their own immediate interests, than was shown in the proceedings of the numerous public meetings assembled to discountenance the movements of the fanatics. To this had been added the powerful energies of the Post Office Department, to protect us from the dissemination of incendiary publications; all of which had naturally, in a great degree, allayed public feeling. Whether another panic was to be gotten up, and the public mind again to be disturbed, remained to be seen. He trusted that the good sense of the country would not yield to it, and that it would meet the same fate in public opinion which its predecessor had done.

It had been repeatedly urged (said Mr. B.) that the rights of the South would be surrendered, and its dignity and honor insulted, if these petitions were received; and those members of the Senate from the South, who intended to vote for their reception, had been more especially alluded to in no very complimentary terms. The dignity and the honor of the South insulted! He could not admit that any of the miserable effusions of the deluded persons, composed as a large portion of them were confidently said to be, of women and children, could insult the people of the South. As a Senator from one of the southern States, he felt that the elevation of the body of which he was a member was too high for it to notice with so much gravity these contemptible papers, and that the objects themselves were too low to enter into a question seriously of dignity or honor with. If he were to do so, he did not believe that he should either promote the one or advance the other.

In regard to the great interests of the South, he hoped he might be allowed to say that other Senators representing the southern States, and who intended to vote to receive the petitions, had the same high motives of fidelity to their constituents, of sacred regard to all the ties of social and other obligations which united them to their immediate portion of country, in an extent as great as could possibly operate on the Senators from South Carolina. He could not admit that any were the exclusive depositories of southern honor or of southern interests. He did not doubt, if danger at any time should threaten the South, if an attempt should be made to interfere with her domestic institutions, by violence or in any other way, but that those who thought differently on this question from the Senators from South Carolina would be as prompt to repel it at all hazards as they could possibly be.

He could not, said Mr. B., pass over a remark made by an honorable Senator [Mr. PRESTON] when addressing the Senate on this subject, without especially replying to it. That gentleman had alluded to the feeling which pervaded England and France on the subject of slavery, and had represented the moral power and sympathies of the greater portion of the Christian world to be against us. Mr. B. denied the conclusion to which the gentleman had come, and, as one of the representatives coming from the South, would put in a plea in her behalf. If the question of slavery were at this time an original one, if it were now for the first time about to be introduced into the southern country as an institution, then he would admit that the conclusion was just. But in the circumstances which surround us, in the situation in which we find ourselves placed, and in the present actual condition of the South, were to be found a necessity so strong and inexorable for the continuance of this institution as to afford the most perfect and triumphant justification in the eyes of the statesman, the moralist, and the philanthropist, whatever opinion they might entertain on the abstract question.

Let us suppose, said Mr. B., that what the gentleman had in the extravagance of his imagination considered might possibly occur, that some modern fanatic like him who, in the days of darkness and superstition, had spread over Europe a religious phrensy, that ended in the famous crusade, should in any part of our country attempt to set on foot such an expedition against the domestic institutions of the South, by an appeal to the fanatical feelings of ignorance or misguided religion; what, in all probability, would be his fate, and that of his wicked and deluded followers? Why, every Christian sympathy which is felt in the human breast, every ennobling sentiment that belongs to our nature, every patriotic remembrance of our common efforts in a common cause, the indignant sense of the whole country at the attempt of such a wicked and daring atrocity, would all unite to bring down on the heads of those engaged in it a vengeance so speedy that they would be annihilated by their own countrymen, before they could pass beyond the confines of a single county in their own State! Such were his impressions as to the sympathies and feelings of the great body of citizens of the non-slaveholding States, derived, as they were, from most respectable and intelligent gentlemen.

He would say a word or two as to the influence of the moral power of the nations in Europe, against the South, of which mention had been made. He believed, on examination, that the very reverse of the picture which had been given would be found more likely to be true. The Government of Great Britain had much more to apprehend from the moral influence of our example as a nation, than we had from theirs. The South, which had been spoken of as having arrayed against it such a host of influences and sympathies, had borne a most conspicuous and important agency in conducting the Government and public offices of this nation. The names of her distinguished sons, her Washington, her Jefferson, and Madison, animated the friends of liberty in every part of the civilized world. He did not believe any portion of the world had produced greater moral effect on the destinies of the age, than had the principles and examples of the eminent statesmen of the South, who had filled the executive department of the federal Government for a period of forty years. The public journals of England, in particular, were almost continually filled with expressions of admiration at the cheering and brilliant results which each year was unfolding under our system of government. The rapid march of reform was hastened by the example, and he again repeated, that the moral power of our confederacy, though it was composed in part of slaveholding States, was much more felt in Europe than any effect that they could produce against us.

Mr. B. believed if those who represented the southern States in Congress united, as they had been called on to do, and, by a solemn vote, denied the constitutional right of petition, on the plea that the abuse of the privilege, in this instance, justified a sacrifice of the great principle involved in it, that then, indeed, the South would no longer be considered as furnishing in her statesmen the champions of constitutional liberty, who had always been among the first to fly to its succor, but it would do more to lessen that moral influence which she had exercised in the councils of the nation than any other stand which she had ever before taken.

Mr. B., in conclusion, expressed his unabated confidence in that good sense, liberal feeling, and patriotism, which pervaded the great mass of American citizens, both in the South and North; and, in all the great difficulties which had existed in our progress as a nation, had proven themselves abundantly competent to overcome them. He did not doubt their success in this instance, and believed that they would again exert the same happy effect.

Mr. SWIFT observed, that as the remarks he had made some days since, on the subject of the spirit of abolition in the State of Vermont, had not been understood, and had been in some manner misrepresented, he would repeat his statement again. He had said that, as regarded the section of the State from whence he came, prior to his leaving home, abolition was very little thought of there, and but little was said on the subject; but he had lately received the information that several abolition societies had sprung up, which had no existence before. He had received information of the formation of five or six societies in his neighborhood. He believed, with the gentleman from North Carolina, [Mr. Brown,] that the excitement had, in some measure, been produced by the discussion here; but he would tell the gentlemen that his speech, if circulated in his country, (Vermont,) would add very much to that excitement. To call the respectable members of these societies vile incendiaries, fanatics, and apply to them other such violent epithets, would be little calculated to sooth their feelings. He believed that a great majority of the people of Vermont thought that Congress not only had the power to abolish slavery in the District of Columbia, but that it was their bounden duty to do so. As to the resolutions, referred to by the Senator from North Carolina, [Mr. Brown,] which were introduced into the Legislature of Vermont, declarative of the propriety of abolishing slavery in the District, and which were rejected, he thought that such rejection did not express the true state of sentiment in the Legislature; for they were rejected more on the ground of expediency than from any opinion that the resolutions were improper in their tendency. The opinion that Congress not only had the power, but that it ought to abolish slavery in this District, was very prevalent in Vermont; and this opinion was not confined to the lower classes of society, but prevailed among the wealthy, the well informed, and influential.

Mr. HUBBARD then rose and submitted the following remarks:

Mr. President: The Senator from Vermont, [Mr. Swift,] who has just resumed his seat, has informed us that anti-slavery societies within his own State, particularly within his own immediate district, have greatly multiplied since he left his home in November last. It may be so. I presume the fact to be as stated by the Senator; but whether these societies be few or many, does not disturb my convictions; it is matter of little concern to me. I cannot for one believe that they can contain such a portion of the good, the wise, the prudent men of any non-slaveholding State, as to endanger the order and repose of the community. There will be no occasion, Mr. President, for the gentleman from North Carolina, [Mr. Brown,] as he stated, to leave this Capitol with any apprehensions that the moral and intellectual power of New England is not sufficient to correct and to maintain correct public sentiment there upon this all-absorbing subject.

It is, sir, upon the moral principle, upon the general intelligence of the North, that I place my confiding reliance. It will prove abundantly sufficient, unless I greatly mistake the signs of the times, to put down excitement, and to restore tranquillity.

Yes, sir, I cannot, I will not, say that these things are not calculated to give alarm to southern men—the owners of slave property—those who live in the midst of a slave community. The very statement of the Senator from Vermont does not tend to calm their fears, to bring peace to their troubled minds. The daily occurrences; the information coming to them from various sections; the events which have transpired since we have assembled in this city; the very agitation of this subject here, growing out of the proceedings of our constituents, one and all, are calculated more or less to disturb the confidence of the South in the security of their rights. This very morning, Mr. President, I have received information that the Presbyterian synod of Ohio has, by a majority of the presbytery, determined to shut their pulpits and to close their churches against preachers and professors who are not the avowed friends of abolition. These passing events cannot fail to produce a most unfavorable effect upon the owners of slave property in slaveholding States.

In those sections, every thing is involved in the issue and final determination of this question. Their peace, their prosperity, their safety, is put in jeopardy by the movements of the abolitionists. I am not, then, Mr. President, at all surprised at the feeling, the alarm, which some of our southern friends have manifested upon this subject. Yet, sir, I can assure them that all will end well; that their rights cannot in reality be endangered through all the influence which can be exerted by all the force which the abolitionists can command in all the free States. There is an abiding virtue among the people, which will come to the rescue. The sentiment of the North is sound upon this subject; and whenever occasion shall demand, whenever duty shall call for action, our southern friends may rely upon the force of that sentiment to put down all opposition.

Mr. President, the remarks of my honorable colleague in relation to this matter, and which met with my entire approbation, seemed to render it unnecessary for me to add any thing more, and it was my intention to have given a silent vote; but since this subject has been under the consideration of the Senate, since the question as to the fit mode of disposing of this memorial has been under discussion, I have received a petition purporting to be signed by sundry persons residing in one of the interior towns in New Hampshire, asking for the abolition of slavery in this District. And, from this circumstance, I have been induced, with all the attention, with all the consideration which it was in my power to bestow, to examine this whole subject. I have endeavored to examine it with candor and with fairness, certainly with a mind free from any prejudice against the petitioners. Although I have no acquaintance with a single individual whose name is affixed to this petition, yet I know they are a portion of my constituents, and as such are entitled to my respectful consideration. Certainly as such they have a right to demand at my hands a deliberate examination of, and attention to, their request when communicated. And, Mr. President, with a knowledge of the relation which subsists between the representative and the constituent, and of all the obligations of duty growing out of that relation, I have fully examined this subject, and have satisfied my own mind what course I ought to pursue, how I ought to treat this petition, and how I shall feel myself bound to act with reference to the petition which I hold in my hand, and which has been forwarded to me from a portion of my constituents, and to all others of a similar character. I cannot agree to lend my aid in any way, directly or indirectly, in furtherance of the object contemplated by the petitioners. To abolish slavery in the District, in my opinion, would be unjust, impolitic, inexpedient, even if the measure itself were practicable. But, in my opinion, the object contemplated would be found altogether impracticable. What I mean to say is this: that if you should be able to abolish slavery in the District of Columbia by a positive enactment, you would not thereby emancipate those who are now held in bondage in this District. My position is, that we never can by our legislation make a slave a free man, without the consent of the owner, within the limits of this ten miles square. I shall endeavor to illustrate this position, before I conclude my remarks. As I have brought my mind to the conclusion that I ought not upon any principle to grant the prayer of the petition of my constituents, I must state at length the considerations which have induced that conclusion. It is due to them, it is due to myself, that the grounds of my objection should be fully and explicitly stated.

What is the prayer of the petition now before us? What do these memorialists ask at our hands? The foling extract from the paper itself clearly shows:

"That, having long felt deep sympathy with that portion of the inhabitants of these United States which is held in bondage, and having no doubt that the happiness and interests, moral and pecuniary, of both master and slave, and our whole community, would be greatly promoted, if the inestimable right to liberty was extended equally to all:

"We therefore earnestly desire that you will enact such laws as will secure the right of freedom to every human being residing within the constitutional jurisdiction of Congress, and prohibit every species of traffic in the persons of men, which is as inconsistent in principle and inhuman in practice as the foreign slave trade."

In the petition committed to my charge, the same leading ideas are advanced.

"They consider the toleration of slavery in the District of Columbia as inconsistent with justice, humanity, and Christianity."

And the petitioners ask, "That Congress will, without delay, pass a statute to abolish immediately, slavery in the District of Columbia: to declare every person coming into the District free."

The manifest object, the direct purpose, of all these petitioners, is, to emancipate the slaves; to liberate those who are held in bondage within this District. The first inquiry is, can this purpose be accomplished? can this object be effected by the legislative power of Congress? In other words, will the abolition of slavery in this District, will the destruction of the slave trade by an act of Congress, make one less slave in the country? My answer is, no; you cannot, by destroying that traffic in this District, destroy the relation of master and slave; you will not, by abolishing slavery in this District, thereby diminish the number of slaves, although you may possibly lessen the number of masters. Admitting, for argument, that the toleration of slavery in this District is inconsistent with justice; admitting that it is the bounden duty of Congress to pass, without delay, a statute to abolish slavery within its limits; admitting that the slave trade is opposed to every feeling of humanity; yet, by doing all that the petitioners ask, they will not thereby "secure the right of freedom to every human being residing within the constitutional jurisdiction of Congress. They will still have occasion to feel deep sympathy for that portion of the inhabitants of the United States, which is held in bondage." The petitioners have not asked for any interference of Congress with slavery, as it exists in the States. They disclaim every intention of any such interference. They do not hesitate to deny to Congress the constitutional power over this subject within the States.

If, then, the grounds which are assumed by the petitioners for the abolition of slavery and of the slave trade within the District of Columbia, be true; if every consideration which they have urged be matter of fact; yet the object which they have in view cannot be obtained, if all is done which they require.

It would seem, from the zeal which characterizes the proceedings of the abolitionists, that slavery in our country is confined to the District of Columbia; that it exists in no other parts of this confederacy; that if slavery can be abolished here, the slaves of our country become at once freemen; that their involuntary servitude is at once changed for the blessings of constitutional liberty.

According to the official enumeration, the slaves of our whole country amounted, in the year 1790 to 697,697, in 1800 to 896,849, in 1810 to 1,191,364, in 1820 to 1,538,064, in 1830 to 2,010,436. Between 1790 and 1830, this description of our population has more than trebled.

The whole population of the country in 1790 was 3,927,827, in 1830 it was 12,856,407; having a little more than trebled within those periods. And it appears that the increase of the slave population of our country has been nearly equal to the increase of the free population within the same periods.

In 1830 the slave population of the District of Columbia was 6,050. The whole population of the District was at that time 39,858, leaving a free population of 33,808.

In 1810 the slave population of this District was 5,395. The whole population of the District was at that time 19,783, leaving a free population of 14,388 at that time. It follows from this statement, that while the free population of this District has more than doubled, the slave population has been only increased a few hundreds.

How has this been produced? The general increase through the country of the slave population has been equal to the increase of the free population within the same periods of time.

This effect has been, in some degree, produced by the frequent agitation of this subject in other sections of the Union; in the free States of this confederacy. The reiterated applications to Congress for the abolition of slavery in the District of Columbia has given to slave property here a character of insecurity; a degree of uncertainty, both as it respects its tenure, continuance, and durability, which must prevent its increase to any great extent. Is it not most apparent that by abolishing slavery you will not emancipate the slaves of this District? Is it not also clear that by the destruction of the slave trade you can produce no such effect? We may compel, by our legislation, masters to sell their slaves; we may drive from this District those who are held in bondage to less desirable sections of this republic; we may change the place of traffic from Alexandria to Richmond; but we shall not set free one solitary individual now bound to servitude; we shall not better the condition of the slave. No, we shall make his condition worse; we shall rivet still stronger his chains; we shall, as it respects the present slave population of this District, do an essential injury to them. By the abolition of slavery here we shall unavoidably, but inevitably, coerce the slaves from their friends, from all those early associations which are near and dear to them. Can any one suppose that if we should abolish slavery in this District, without the consent and against the will of the owners of slaves, that they will acquiesce and submit to such a proceeding? No, Mr. President, the action of Congress would induce every slaveholder to sell that description of his property to the planters of Mississippi or of Louisiana. I am no advocate of slavery; for nearly forty years it has entirely ceased to exist in New Hampshire; but it does exist, and constitutionally exists, in other States of this confederacy; it also exists within the limits of this District; and it is here that the memorialists seek to effect the abolition of slavery. Under the clause of the constitution giving power to Congress "to exercise exclusive legislation in all cases whatsoever over this District," it is contended that we ought, against the consent and without the will of the owner, to deprive him of his property. Slaves are held here as individual, personal property.

It is far from my purpose to go into any consideration of the extent of the legislative power of Congress over this District. It is upon the ground of expediency that I oppose this proceeding. It is because the people of this District, whose interests are to be affected by this movement, ask no legislation of us upon this subject, that I oppose it. It is because I regard it as an officious interference on the part of the abolitionists with the rights of others, with which they have no concern, that I oppose it. It would be regarded as the worst species of tyranny for Congress to annihilate, in any one of the States, any one description of property, without the consent of the owner. And is it not equally so for Congress to interfere with slave property in this District, against the will of its proprietor? It was this principle which produced the American Revolution. It was the enactment of laws, the imposition of parliamentary edicts, without the consent of the colonies; it was taxation without representation, that first put the ball of the Revolution in motion.

I cannot entertain any doubt that the measures proposed by the petitioners are fraught not only with the most imminent danger to public peace and to public order, tending, in my judgment, not only to undermine the foundations of this confederacy, to rend asunder the bonds of this Uion, but also to destroy the rights of individual property; to jeopard the safety, the security, the happiness of the slave population within this District.

I would say to the petitioners, to the people of the North, to my own constituents, who seek the abolition of slavery in this District, that every consideration of public policy, every sentiment of common justice, every feeling of just humanity, call upon them to consider well their ways; to stay their dangerous course; to abandon that which cannot be obtained; but the agitation of which, at a time like this, is productive of the most deadly and destructive consequences. "The evil that men do, lives after them: the good is oft interred with their bones."

By abolishing slavery in this District, which is all the petitioners ask; by providing that slavery shall no longer exist within its limits; we shall not, we cannot, effect the emancipation of the slaves within the District; but the effect which would be produced upon slave property, in the States of Virginia and Maryland, could not fail to be of the most injurious character.

The States of Virginia and Maryland granted to the United States the Territory now constituting the District of Columbia. They are both slaveholding States. At the time of the cession, the slave population of Maryland exceeded 100,000, while that of Virginia was nearly 350,000. And can it be supposed that those States would set apart a portion of their domain for the seat of Government, if they had supposed that, under the clause of the constitution to which I have referred, Congress would ever undertake to abolish slavery in this District, so long as slavery should continue to exist within their limits? Never, sir; no, never.

Such an interference on the part of Congress would be in bad faith; against the spirit of the compact; a violation of that understanding which must have subsisted in those States which ceded to us this territory. On that ground I will oppose this proceeding, so long as I shall have the ability to understand, and physical power to enable me to act. Abolish slavery in this District, and you make it the asylum for every runaway negro in the country. You change the character of the black population from better to worse; you make this also the resort of free blacks, the abiding place of that colored population who readily could be excited to do every mischievous work to the safe enjoyment of slave property in the adjoining States. They would be employed as fit instruments by the designing and mad fanatic, to carry distress, dismay, desolation, among the people of Virginia and Maryland. While the owners of slave property in the adjoining States would be greatly annoyed and essentially injured by the abolition of slavery in this District, yet, if it has ever entered into the calculations of the abolitionists that this would become a safe and secure retreat for the fugitive slave, such a calculation would prove vain and delusive. The framers of the constitution have been more just to the rights of individuals than to leave this description of property at the mercy of such fanatics. This District can never become the den of fugitive slaves from any of the States. The constitution provides that "persons held to service or labor, who shall flee into another State shall be given up on claim of the party to whom such service or labor may be due." If the constitution has watched so cautiously to prevent the protection of runaway slaves, it could not have intended to vest Congress with power to establish an asylum for such persons in the District of Columbia.

Will any man assert, be he abolitionist or anti-abolitionist, that, in comparison between the free blacks and slaves in a slaveholding country, the advantage in condition is in favor of the former? Can any man say, with truth, that the present state of the free negro population of the North is more desirable, unless it be in the enjoyment of personal liberty, than the slave population of the South? Mr. President, it will not be pretended, by any man acquainted with the subject, that the character, the condition, the comfort. of the free blacks are superior to that of the slave. It cannot be pretended that, in the adjoining States, they are as well fed and as well clothed as the slaves themselves. The race of free blacks in a slaveholding country is more debased, more degraded, less controlled by the sympathies of our nature, more desperate, and more abandoned than the slaves themselves. I well remember of once being told that you could not use language, in a slaveholding country, conveying in terms a more severe and humiliating reproach to a slave himself, than to call him "as bad as a free negro." And, as far as my own observations have extended, I would not blame the slave for resenting the insult.

To excite our engagedness in this matter, to stimulate our zeal, to induce our speedy action, we have had sent to us the most gross and shameful pictorial representations of slavery, as it is said to exist in this District. Sir, I will not stop to inquire whether individual cases exist, or have existed, meriting the character given to them by these prints. But if they are designed to give a true representation of the relation which subsists between the master and the slave; if they are intended to exhibit the general conduct of the one and the sufferings of the other; if they are intended to paint the weal of the master and the wo of the slave, they are most deceptive and most libellous. It has been my fortune to have formed some acquaintances with slaveholders, both in Maryland and in Virginia. I have visited their plantations. I have seen with my own eyes, and heard with my own ears, sufficient to enable me to say that these prints are most deceptive. Sir, it would be but an act of justice to add, that more warmth of feeling, more ardency of attachment, I have seldom seen exhibited in my own section, than I have seen upon these plantations between the master and slave. It has been my privilege, since I have been in Congress, occasionally to have visited a plantation not ten miles from this District, upon which lived two bachelors, the only white persons, I believe, upon the plantation, surrounded by forty or fifty slaves of different ages and sexes, and from the oldest to the youngest I never discovered the slightest discontent; all was confidence, all was peace. I asked how this general appearance of happiness and contentment could be accounted for. The reply was, all their wants are supplied: they are all well fed, well clothed, well taken care of in sickness and in health; that no instance of cruel and barbarous treatment would be tolerated; that public feeling, common sentiment, would put down, render execrable and odious, that master who should attempt to exercise any undue severity over his slave. There is, then, a false philanthropy, an unwarrantable feeling, governing this whole matter.

There is more poetry than truth, more fancy than fact, in the tales and pictorial representations of the abolitionists.

> "Oh! judgment, thou art fled to brutish beasts,
> And men have lost their reason."

Abolish slavery and the slave trade in the District of Columbia, and we shall not thereby diminish the number of slaves in the country; we shall not in the slightest degree check the traffic in that description of property; but we shall not only bring evils upon the slave population, but we shall bring evils upon the free white population of the country.

Mr. President, one of the great evils to be apprehended from the agitation of this subject, certainly from any action of Congress upon it, is that the slaveholding States will find it necessary, for their own security, to drive, by positive enactment, or by the force of public opinion, every free black from their own dominions. They will find that population dangerous to the peaceable and secure enjoyment of their slave property. Another effect to be produced by the wished-for action of Congress in relation to this matter is, to fill the rich valleys of New England with the free black population of the South, and there to compete with her free labor. This, sir, is an unavoidable consequence, if this course be pursued, if this project be not abandoned; a consequence, sir, which would be most deeply lamented; a consequence which every son and daughter of New England would regret.

Such a state of things would lead to great political evils; would put to hazard our dearest and our freest institutions. I hope never, never, to see the time when the hardy yeomanry of New England will find themselves surrounded by a black population, in no respect congenial in habit, in disposition, in principle. Can it be possible that we can contemplate such an event with any other emotion than that of deep sorrow?

> "Breathes there a wretch, to shame so dead,
> Who never to himself hath said,
> This is my own—my native land?"

Mr. President, I would conjure the abolitionists to let this subject alone; to be at peace; to give up their policy, fraught as it is with mischiefs, dangers, consequences, of the most alarming character. They can gain nothing, they may lose much that is dear and most precious to them and to us all.

In the course of this debate, we have been often reminded of the importance of this subject. Important, I admit it to be, in every point of view; important in its character, important in its consequences, important to the tranquillity of the South; no less important to the honor of the North; important to the slaveholder; equally important to the holder of any and of every other description of property. In my opinion, it is a subject of the highest and deepest importance to the perpetuity of our free institutions to the preservation of the Union itself.

It has been said that this question must and would mingle itself with the politics of the day. It has been said by a distinguished Senator that it would be mixed with the approaching public elections. Sir, I was sorry to hear that declaration. It too plainly asserted that those who happened to live north of a given line would be regarded as unworthy of political trust, from the mere fact that they resided in a non-slaveholding country? Such a sentiment illy comports with the magnanimity, the love of justice, which has uniformly characterized the South. What would have been said, Mr. President, by our southern friends, if we of the North had objected to those who have filled the highest office in the republic for forty out of forty-eight years of our constitutional existence, that they were not entitled to our support, to our confidence, because, forsooth, they were slaveholders, and lived in a slaveholding country? I leave it for them to give the answer.

The question then put to the American people was, "Was the candidate qualified for the high trust?" And, notwithstanding the evil forebodings of some, the same question will be repeated to the American people so long as the confederacy shall exist: Is the candidate honest, capable, worthy of confidence? Upon the answer to be given will depend his success, be his residence where it may, north or south of the Potomac.

Mr. President, the sentiments of my own State, the sentiments of all New England, upon the subject of slavery in the abstract, are well known. I do not, on this occasion, deem it necessary to advert to them. I cannot regard it as a matter of importance to make them the subject of discussion at this time. My purpose is to allay an excitement which has become fearfully dangerous. It is no object of mine to add fuel to the flame. It is the leading desire of my heart to bring back repose, to restore peace to the troubled mind of the public. I would not, then, unnecessarily bring before the Senate matters which are foreign from the subject immediately claiming its consideration.

Mr. President, I have said all that I have to say upon the character of these petitions; the object of the abolitionists; the entire inability on the part of Congress to accomplish that object; and, if all is granted that they demand at our hands, I have offered all I have to offer upon the consequences which would result from the adoption of the measure demanded. I have stated the effects it would produce upon the slave population, upon the slaveholding States, and upon ourselves, the inhabitants of the free States of the Union. One question remains: How shall the Senate dispose of this and of all similar memorials? The honorable Senator from South Carolina has moved, in effect, "that this memorial be not received." This he regards as the best course; as the one more calculated than any other to check the course of the abolitionists; to do away, effectually to destroy, this spirit of fanaticism. His general object and my own are the same; and that is, to silence this restless, meddlesome, interfering, disposition; to induce the abolitionists to be content; to mind their own business, and let the business of others alone. But is the mode suggested by the Senator from South Carolina the best mode for accomplishing these objects? I think not. What are the grounds upon which the Senator rests his motion? First, that the Senate has no jurisdiction of the subject-matter.

I will not undertake to discuss the question as to the right of Congress to legislate upon this subject within the District of Columbia. That is not my purpose. It is foreign from my object. No such discussion could have any profitable tendency; no such discussion would tend to produce, here or elsewhere, in the South or in the North, harmony, confidence, submission. A directly contrary effect would be the inevitable result of debate and of action upon this proposition. Is not the honorable Senator perfectly aware that this is debatable ground? The petitioners themselves think differently. They believe this subject is clearly within the jurisdiction of Congress; and among the members of the Senate a difference of opinion prevails upon this subject. It is perfectly manifest that there does not exist among the people of the country a union of sentiment on this point. But even if the memorial contemplated an object which, in the opinion of this body, infringed the constitution, it would be a want of policy to refuse to receive it. On this ground, then, the petition ought not to be kept out.

A second ground taken by the Senator why this memorial should not be received was, that its language is not respectful to a portion of this Union. I admit most freely that, whenever petitioners undertake to attack the integrity of this body, whenever they presume to reproach the Senate, it becomes our duty, the common principle of self-preservation demands, that we should at once refuse to receive such a memorial, whether its object be constitutional or unconstitutional, reasonable or unreasonable. But this is not that case. The memorial speaks not of persons or portions of the Union, only as connected with the subject-matter: it uses no language reproachful to this body; and I would not on that ground refuse to receive it. A third ground taken by the Senator is, that the memorial speaks of a grievance with which the memorialists have no concern; that they are not residents within the District of Columbia, and are in no way injured by the existence of slavery in the District. The memorialists think otherwise; they believe that this District is peculiarly under the jurisdiction of Congress; that it is the seat of our national Government; that the citizens from every portion of the confederacy resort here for the transaction of their business; they know that slavery exists here; they believe it to be their duty to ask for its abolition within this ten miles square. I would not, then, on this ground, refuse to receive the petition.

What reasons should induce the Senate to receive this memorial?

First, a refusal would impair and abridge the right of petition—an inherent, an inalienable right—a right existing before the confederation, guarded and protected by our constitution. It is not my purpose to discuss at length the right of the people to petition Congress for a redress of what they regard as grievances. That right has been fully considered and most ably sustained by those who have preceded me in this debate. It has been regarded, and justly regarded, as the foundation of popular Governments—Governments depending for their support on the virtue and intelligence of the people. This inherent, this independent right of the legitimate sovereigns of our country, has been viewed as essentially necessary to preserve in purity the true relation between the representative and the constituent. I can add nothing to what has been offered upon this subject. I fully concur in the views which have been expressed upon this point by the Senator from New York, [Mr. Tallmadge.] But, sir, it is contended that this right of petitioning would not be impaired, would not, in effect, be abridged, by the adoption of the motion of the honorable Senator from South Carolina.

The Senator from Georgia [Mr. Cuthbert] says that it is not proposed or contemplated to pass any law inhibiting the right of the people to petition Congress; and hence he argues that a vote not to receive the petition cannot affect that right. Can this be so? Is it not an infringement of the right of the people to refuse to take their petition? The people may assemble peaceably, may discuss their grievances, may talk over the grounds of their complaints; they may come to the door of this hall with their petition asking relief; they may have placed it upon the table of the Secretary; they may have read it in the hearing of this body; and although its language is unexceptionable, yet the Senate, by the exercise of its power, will refuse to receive it, to place it on our files. It may direct its officer to carry back to the people their petition, and say to them, we cannot receive it. But would it be possible to convince the American people that such a course would be no abridgment of their right to petition? Would it be possible to satisfy the plain, common-sense yeomanry of the country, that it would be no violation of their right for us to refuse to receive from their hands their petition? We cannot do it.

Say not to the people, if we would have peace within our borders, that they shall not come up here with their complaints; that they shall not ask their public servants to receive the expression of their will; that we, their representatives, will turn a deaf ear to their addresses. No one thing could be done more fraught with danger. Such a step would be more fatal to public order, more destructive to public peace, than any other step which we could take. Such a decision would be most disastrous in its effects, would add fuel to the flame, would multiply these visionary fanatics, would enkindle a spirit which all the prudence and power of the Government could not control. I would not, Mr. President, refuse to receive this memorial. I would never say to petitioners, we will turn a deaf ear to your complaints, no matter whether well or ill founded, real or imaginary, feelingly or unfeelingly described. It will never do to drive from the doors of our legislative halls the sovereigns of this land; it would be unjust, impolitic, and contrary to the spirit of our institutions.

The Senator from Louisiana says that there is no essential difference between the motion of the Senator from South Carolina and the motion of the Senator from Pennsylvania. Sir, there is a very great difference, in principle and in practice. The one motion seeks to keep out of the Senate this memorial, while the other puts it into the possession and under the control of this body. Both of the Senators from Mississippi will vote, as they say, for the motion of the gentleman from South

Carolina, because it is the strongest measure. The strongest measure! Sir, what is the strongest measure? Is it not that measure which produces the strongest effect? Is it not that measure which makes the greatest possible impression upon the public mind? Is it not that measure which tends more than any other to influence the human conduct?

Mr. President, I wish to vote for the strongest measure; I wish to give such a direction to this subject as will produce an abiding effect upon the public mind, as will check this spirit of fanaticism; and willingly would I vote with the honorable Senator from South Carolina, did not his motion, in my judgment, infringe that inherent, that independent, right of the people to petition Congress for redress of grievances, could I regard it as the strongest measure. But, sir, it is not so. The vote of the Senate last year, declaring that, in the then posture of our affairs with France, "no legislation was necessary," the vote of the House of Representatives, declaring "that the terms of the treaty ought to be insisted on," were strong measures. They produced a strong effect, from the unanimity which prevailed in both branches; and the influence, the effect, the impression upon the public mind in relation to the matter now before us, would be greatly increased by the united, combined, and undivided vote of the Senate.

The motion of the Senator from Pennsylnania is, "that the prayer of the petition ought to be rejected." And is not this the strongest possible measure? What do we say by agreeing to this vote? Your petitions we have received; we have well considered your requests; we have weighed the reasons for and the reasons against your object; and we have come to the conclusion that we cannot grant the prayer of your memorial; that you ask what we cannot give; that considerations of public policy, of justice, and of right, have convinced us that we ought not to lend our aid in the accomplishment of your purpose. Would not this be a strong measure? And if it could be sustained by the unanimous vote of this body, would it not be the strongest possible measure? Clearly so, sir.

Mr. President, the time has arrived when there must be something done, and done by us, the representatives of the States and of the people, upon this all-absorbing and difficult subject of slavery. We are called upon by every consideration of public policy and of public duty, we are called upon as the constitutional guardians of the rights of the people, to act, to act promptly, to act efficiently. It will no longer do to remain passive. Memorials, addresses, petitions, come from too many sources for us any longer to refuse action upon them. I am free to admit that there is imminent danger involved in the principles and in the practice of the abolitionists; I am free to admit that their course and their conduct merit the severest reprehension; yet, sir, if we receive their petitions, if we consider their subject-matter, if we vote to reject their prayer, I cannot doubt that they will be deterred from prosecuting further their purpose. There are moments when delusion itself will lose its control over the mind; when morbid philanthropy will fail to stifle the voice of judgment; when argument will produce effect; when right reason will govern human conduct.

A portion of the abolitionists are governed by religious fanaticism, or pushed on by a love for distinction. A much larger portion of them are honest in their views, but ignorant of the tendency and effect of their movements. The latter class are desirous of doing their duty, but by an undue influence, and from a want of information, are prevented. By adopting the motion of the Senator from Pennsylvania, we cannot fail to satisfy this class that they are engaged, if not in an unholy, in a most unjust, crusade against the rights of others.

Mr. President, I will close my remarks by giving to the Senate an extract from the proceedings of a respectable meeting of my fellow-citizens in my own immediate neighborhood. I offer it as the best evidence of public sentiment and of public feeling in my native State.

"Much excitement has prevailed in this State in relation to the existence of slavery in the southern portion of the Union. And, in the opinion of this convention, the constitution of the United States reserves to the slaveholding States the original right to the exclusive control of the servile portion of their population. And the present excitement in the northern States, got up by fanaticism and morbid philanthropy, and based upon an ignorance of the true condition of the slave, the character of the master, and of the relative rights and duties of the original members of the confederacy, has been seized upon by wicked and corrupt men with a view to divide the democracy of the North and South, and sever the union of the States; and, in our belief, the course of the abolitionists, if persisted in, will lead to a dissolution of the confederacy."

When Mr. HUBBARD sat down,

Mr. GRUNDY expressed a wish to address the Senate on the subject before taking the question, and, as the hour was late, the Senate went into the consideration of executive business; after which, it

Adjourned.

TUESDAY, MARCH 8.

WESTERN BOATMEN, &c.

Mr. CLAY presented the memorial of a committee of management on the subject of a marine hospital in Louisville.

Mr. C., on presenting this memorial, gave a brief description of the class of citizens concerned in the navigation of the western waters, and of the great proportion which they bear to the seamen of the United States; and urged the necessity of making some provision for their comfort in the hour of sickness and destitution. He moved that the petition be laid on the table, and printed.

Mr. DAVIS said he would inform the honorable Senator that this subject was before the Committee on Commerce, and they had had under consideration a number of petitions and legislative resolutions. He observed that he had no doubt that the representation of the Senator from Kentucky was to a great extent correct, so far as regards the sufferings and inadequate provision made for sick and disabled seamen. There was need of provision for their relief, and he had risen to call the attention of the Senate, particularly the Senators from the West, to the subject, and to correct the erroneous impression that the aid afforded to that valuable class of citizens on the Atlantic coast was chiefly derived from this Government. After the navigating interest began to prosper, it was found that seamen who fell sick in ports distant from their homes were often destitute of the means of making suitable provision for their comfort. To meet this difficulty, in 1798 a law was passed by Congress, requiring all seamen serving on board registered vessels of the United States, arriving from foreign ports, to pay a tax into the treasury of twenty cents a month, from their wages, to raise a fund for the relief of sick and disabled seamen. The same obligation was imposed on seamen serving on board enrolled and licensed vessels engaged in the coasting trade; and both classes have, from that time to this, paid the tax, and a fund has thereby been raised of over a million and a half of dollars. This fund has been annually applied, under the direction of the President of the United States, to the relief of sick and disabled seamen; but the annual income has proved insufficient to meet the urgent demands of the sick, though it has been extended only to persons contributing to it, and the deficiency has been supplied by moderate appropriations by Congress. Three hospitals only have been erected out of this fund: one in Massachusetts; one in Norfolk, Virginia; and one in Charleston, South Carolina. At other ports provision has been made either in the local hospital, or in other suitable ways.

Such, sir, he observed, is the history of this fund; and the Senator from Kentucky is mistaken in supposing that this policy has, to any considerable extent, been enforced upon the boatmen and navigators of the western waters. It was worthy of the consideration of the West whether this policy should not be extended to their waters, and the tax be collected of their navigators, who would thus be brought under the protection of the Government, and have suitable means provided for their relief. Unless this tax should be imposed and collected, the relief asked for could not be granted without adopting a new policy, by throwing the whole burden upon the treasury. This would not be likely to give satisfaction while the present system was enforced on the Atlantic frontier. He had risen to make these suggestions, as he thought some error prevailed in regard to this fund, and the duties of this Government in regard to seamen.

Mr. CLAY said he had not been aware of the direction which had been given to petitions of this character; but he would certainly now shape his proposition so as to send the petition to the Committee on Commerce. The Senator had very correctly stated the origin and rise of the hospital fund; and it was precisely in its character as a trustee of this fund that the petitioners had rested their claims. The gentleman from Massachusetts had made a mistake on one point. He seems to be under the impression that these boatmen and navigators of the western waters have contributed nothing to this fund, while it was stated by the committee which had brought in this petition, that as much as $12,000 had been contributed to the hospital fund by this class of citizens. The general Government had recognised the claim of these persons by granting an annual appropriation of $500 to the hospital at Louisville; but that appropriation has been found to be quite inadequate to the object. He could not say, with precision, by what class of men this money was contributed; whether any portion of it was a tax on those who were concerned in the steam navigation. He believed that there was a law which provided for such tax, but he did not know whether it was carried into effect. There was another class of men, who were engaged in the navigation of a more ignoble character of craft, he meant the Kentucky arks, and who did not contribute to this fund. This hardy race of men, who navigate the western rivers, deserved the protection of the Government, on account of their peculiar qualifications for the service of the navy. Every claim of foreign seamen to protection is possessed, in a superior degree, by this class of men.

Mr. DAVIS hoped he might be permitted to correct an error of the Senator from Kentucky. He had procured evidence on this matter from the Treasury, portions of which he would read, which would prove that the West had contributed very moderate sums—so small, indeed, as to render it apparent that the great body of persons who navigated the western waters actually escaped from the payment of the tax. He read from the following table, which shows what has been received from the tax, and what has been expended in each State in the United States, from 1802 to 1833, inclusive:

States.	Contributions.	Expenditures.
Maine,	$105,810 92	$45,556 71
New Hampshire,	17,415 29	12,388 58
Massachusetts,	387,949 90	285,584 95
Vermont,	223 98	68 16
Rhode Island,	61,433 16	55,295 70
Connecticut,	58,321 96	35,116 37
New York,	267,795 12	280,931 13
Pennsylvania,	152,293 14	266,307 41
New Jersey,	50,524 38	3,704 02
Delaware,	20,792 98	65 20
Maryland,	138,518 98	306,624 91
District of Columbia,	23,319 55	17,315 72
Virginia,	85,466 90	176,434 94
North Carolina,	51,042 09	58,232 51
South Carolina,	44,824 64	80,716 11
Georgia,	18,527 71	66,871 24
Florida,	4,998 70	7,918 92
Alabama,	9,094 91	11,506 19
Louisiana,	61,885 04	143,477 49
Mississippi,	2,316 03	133 69
Ohio,	1,452 61	978 65
Michigan,	225 43	149 69
Tennessee,	278 41	
	$1,664,512 83	$1,954,378 29

Instead, therefore, of $12,000, as the petitioners represent, the whole amount contributed above New Orleans, which he considered an Atlantic port, was less than $4,000. How the craft of these waters escaped was not very apparent to his mind, nor had he been able to learn to his satisfaction the cause.

The law required all registered vessels engaged in foreign trade to pay the tax, but there seemed to be a defect in the provisions, for he was informed that a vessel when engaged in the coasting trade under a register, instead of a license, escaped, because such vessels are only made liable when arriving from foreign ports. This was a defect that demanded a remedy, and it was his purpose soon to bring in a bill for that purpose.

The enrolled and licensed tonnage engaged in the coasting trade has always been subjected to the operation of this law; and as all vessels trading from district to district, or port to port in the same district, are required to be enrolled and licensed, if over twenty tons, and if under twenty and over five tons, to be licensed, but not enrolled; and as all vessels not complying with this requirement are not entitled to the privileges of American vessels, he did not see upon what principle most of the craft of the western waters were exempt. Nor was it very clear what portion did contribute, but he supposed it possible that it was only such vessels as had goods on board requiring an entry, because they were foreign productions, contributed, though he had not been able to obtain such information on this point as could be depended upon. His own belief was, that the whole matter called for legislative action; but it seemed to be the more appropriate duty of western gentlemen to move in the matter. He was, for himself, ready to do justice to the mariners of the West.

Mr. BENTON made a reference to St. Louis, as presenting stronger claims for a marine hospital than any other part of the West, and stated that a number of petitions were in preparation in that city, if they had not already arrived. He adverted to a law, which he stated to be in existence, which imposed a tax on the boatmen going down the Mississippi, as constituting a new argument in favor of the establishment of a hospital at St. Louis.

Mr. PORTER corrected the statement of the Senator from Missouri. He stated also that the New Orleans hospital had been sustained by State funds, and it must go down unless more efficiently sustained. All the boatmen who come down the Mississippi, if taken sick, are received into a hospital which is exclusively supported by the funds of the State.

Mr. DAVIS said that the statute read by the Senator from Missouri had not escaped his attention. He was at first impressed with the belief that it was in force, but results show that it has not been executed, and such proved to be the fact on inquiry at the Treasury. That law was passed before Louisiana was ceded to the United States; but since that cession it had ceased to be enforced, though it still kept its place in the books. Mr. D. said he had drawn out more discussion than he had intended, as his only object was to correct the impression that the Atlantic States were enjoying privileges which were not extended to the West.

Mr. BENTON said he had found the law among the United States laws of 1815, and he had never heard that it had been repealed, or that its operation had ceased.

The motion to refer and print was then agreed to.

ABOLITION OF SLAVERY.

The subject of the petition of the Friends of Philadelphia, praying for the abolition of slavery in the District of Columbia, was resumed; the question being on the motion of Mr. CALHOUN that the petition be not received.

Mr. GRUNDY observed that he did not intend to go into a full examination of the subject. His design was barely to express his opinions upon the different topics that had been discussed, and assign some of the reasons upon which those opinions were founded. At the commencement of the present session of Congress, it was his impression that no discussion on this subject ought to take place, and he had acted under that impression; and accordingly, when the first petition for the abolition of slavery in the District of Columbia was presented by the Senator from Ohio, [Mr. EWING,] he (Mr. G.) had moved to lay it on the table; which motion was sustained by the Senate. His intention then was to prevent debate or discussion, and he still entertained the opinion that, had that course of proceeding been acquiesced in by other Senators, it would have been the wisest and most prudent course that could have been pursued. He was aware that great excitement had existed during the last summer in the slaveholding States. But so strong and emphatic had been the language and conduct of the citizens of the non-slaveholding States, that all danger and apprehension of danger seemed to him to have been dissipated, and the effect of a discussion here could only be to excite the abolitionists to further action, and produce alarm in the slaveholding States.

The citizens of Boston, New York, Utica, Albany, Philadelphia, and all the principal cities to the East, as well as the cities of the West, in the non-slaveholding States, had come forward and placed themselves in opposition to the mad schemes of the abolitionists. Mr. G. was of opinion that they had manifested such a disposition to prevent injury to the slaveholding States, as to afford a sufficient guarantee that they would discharge all the duties and obligations which they owed to the citizens of the slave States. Shortly after the commencement of the session, a discussion, contrary to his wishes, had commenced and been carried on: and it was therefore proper that he should depart from his original determination, and participate in a debate which had been introduced and persevered in by others. But he should studiously avoid increasing that excitement which this debate had produced, either here or elsewhere. So far as was practicable, he would avoid irritating either members here, or those not entitled to a seat on this floor. The people of the United States enjoy more liberty and prosperity than any other people on earth. All the benefits possessed by them have grown up under the constitution and frame of Government under which they live. Any act which will endanger the Government or constitution, should be carefully avoided.

Mr. G. said he thought he was not mistaken when he declared that the moment the citizens of the non-slaveholding States should, in violation of the constitution, lay their hands on the property of the slaveholding States, the citizens of the latter would instantly consider the Union dissolved and the Government at an end. They could no longer confide in a Government which, instead of protecting, plundered them of their property.

The right of property in slaves is guarantied to the citizens of the States where slavery exists by the constitution as fully as the right to any other species of property; and should the non-slaveholding States at any time violate these guarantees in so important a particular as this, it would be such a departure from the great principles of the compact that the injured party would at once be absolved from all the obligations it imposes on them. It would be impossible tamely to submit to it. The citizens of the slaveholding States, therefore, entreat those of the non-slaveholding States to step forward and put down this spirit of abolition, before it produces the ruin of this Government. Mr. G. remarked that, while speaking thus freely and frankly, he did not wish to be understood as chiding them for not having done their duty. He had seen with pleasure--he had rejoiced and exulted at the evidence which had been afforded by the citizens of every non-slaveholding State during the last fall, of their determination to discharge their duty to the citizens of the slaveholding States, by putting down, by all means in their power, every effort that might be made by mistaken or misguided men upon this subject. They had manifested a soundness of public opinion, and a determination to preserve the union of the States and the rights of citizens as enjoined by the constitution of the country. Mr. G. admitted that the duty which had already been performed and still to be performed by them, was a hard and unpleasant one. These abolitionists reside among them—they are their neighbors--still they, and they only, have the power to put down that spirit which endangers the prosperity and safety of the slaveholding States. The abolitionists are amongst them. There they have to be met. There the battle has to be fought. They are beyond our reach. If a straggler comes amongst us, propagating his insurrectionary and incendiary doctrines, he is sent away with an admonition which will prevent his return. This is done in defence of ourselves. No other way is known by which the mischief growing out of this plan of abolition, can be prevented. Therefore, as we have no power to reach these abolitionists, as we cannot prevent their incendiary publications, we ask our brethren of the North and East to persevere in their efforts in putting down the labors of these men, which must terminate, unless they are arrested, in the destruction of ourselves and families. If a man, whether madman, fanatic, or worse than either, shall be seen approaching a neighbor's house with a lighted torch to consume it, ought not all good men to arrest him and prevent the mischief? It therefore seems, said Mr. G., that too much is not asked, when we say to our friends at the North that it is their duty to adopt such means as will prevent the threatened danger.

Congress can do little on this subject. It may, and it is hoped will, prevent the circulation of these incendiary publications, and pictorial representations, through the medium of the public mails. But still there are other means by which they can be circulated. That this Government, designed for the protection of the States and their citizens, does not possess a competent power to prevent the circulation of these publications through the mail, is an opinion which I cannot entertain. That it does possess this power, he hoped to be able to demonstrate whenever the bill upon that subject came up for consideration. It seems to be yielded that the States possess the entire control over the subject of slavery within their respective limits. But it is insisted that Congress ought to interfere and abolish slavery within the District of Columbia; and this is the object prayed for by these petitioners. He would not go into an examination of the constitutional power of Congress. For his own part, he should consider himself as culpable, were he to vote for such a measure, if the constitutional power existed, as were he to vote for it in the absence of such power. He considered the faith of the Government pledged not to interfere with this subject in this District, and the faith of the Government should be preserved as sacredly as the constitution.

When application was made to Virginia and Maryland for a cession of this District, was it supposed by either of those States, or any citizen in them, that the abolition of slavery was to take place here, or that this District was to be used as a means of rendering of no value this species of property? Could it be believed that, if the general Government had intimated such an intention, a cession from either of the States could ever have been obtained? This no man can believe. If this be so, would not this Government be justly chargeable with Punic faith, were they now to do an act so vitally injurious to the citizens of these States; of which, at the time of obtaining the cession, it gave no intimation? He would appeal to that sense of justice which inhabits every honest man's bosom, whether such a proceeding would not be glaringly unjust? When the citizens of this District acquired this property, they did it under the sanction of existing laws. To deprive them of this property now would be a violation of their constitutional rights, unless compensation were made, and that compensation Congress possesses no power to make. When the constitution provides that private property shall not be taken for public use without compensation, Mr. G. understood it to mean that where an individual owned property which the Government needed for its own use, it might be taken, and the ownership might be changed, and that which belonged to an individual might thereby cease to be his, and be owned by the Government. But it certainly cannot be a sound or safe construction of the constitution, to say that the public treasure may be expended for the visionary purpose of buying slaves to make them free. Besides, these petitioners wholly mistake their object, as has been shown already by the Senator from New Hampshire, [Mr. HUBBARD.] Were Congress to grant their petition, there would not exist a single slave less, although much loss might be produced to the owners, and misery to the slaves. Were Congress to attempt to pass such a law, with a probability of success, every slave would be immediately removed out of the District to Virginia and Maryland; and the further consequences would be, that the slaves would be sold to strangers, and sent to distant parts of the country, where they would be less happy, and be deprived of many of the comforts and associations they now enjoy.

Mr. G. asked what would be the condition of this District when all this should be effected? It would then be a habitation and a harbor for free negroes and fugitive slaves from the States of Virginia and Maryland. It would be wholly unfit for the seat of the general Government, and those who are now urging these petitions would find that, were they to succeed in their wishes, not one of the objects desired by them would be accomplished. Mr. G. proceeded to say that ignorance, or a want of knowledge of the subjects on which men act, had at all times done more mischief than any thing else. These abolitionists say they are the friends of the slaves, and that a principle of philanthropy prompts them to act the part they are performing. Let the effects already produced upon the slaves by their efforts be examined, and it will be readily discerned that they have produced much injury to the slaves themselves. Before they commenced their doings, pious men and women, in different parts of the slaveholding States, felt it their duty to attend Sunday schools established for the instruction of slaves, to learn them to read the Scriptures and become acquainted with the history of man's redemption. There were separate places of worship established, where learned and pious ministers of the gospel dispensed the word of truth to them. All of these are now abandoned and broken up, and, in addition, the privileges of the slaves are curtailed and restraints imposed upon them which never would have been thought of had these abolitionists never commenced their labors. Where perfect and entire confidence existed, jealousies and distrust now prevail, and liberal and kind indulgences have been changed into necessary and rigorous restraints. This has been rendered indispensable by the interference of these men, who are wholly ignorant of the true relations that exist between master and slave in the slaveholding States. If these men would only reflect that our slaves are better fed, better clothed, and more happy and contented, than thousands of their own poor neighbors, and would confine their acts of beneficence to those nearer to them, they would do less mischief, and add much more to the sum of human happiness. These abolitionists seem to think that it is a religious duty to interfere with this subject. The Scriptures afford no warrant for such an opinion. The Prince of Peace, who, when on earth, reproved men of all sin, and who countenanced nothing wicked, at no time enjoined it on masters to liberate their slaves. Slavery then existed, and within his knowledge, in a much more rigorous form than it now does, and he taught slaves to be obedient to their masters. The teachings of these abolitionists are, in effect, (although without the design,) to cause slaves to cut their masters' throats. Mr. G. said he must believe that it was a want of knowledge as to the true state of things in the slaveholding States which had produced this misguided zeal, and that so soon as the truth came to be fully understood, the whole scheme of abolition would be abandoned as unprofitable and mischievous. Mr. G. said he was struck forcibly with the character of these petitions. They were mostly signed by women and children. Artful and designing men probably had obtained their signatures to these memorials, to which they would not affix their own names. Sunday schools, the best institutions in the country, had been resorted to, and signatures obtained doubtless by false representations.

Mr. G. said he intended not to be tedious, and would, therefore, proceed directly to an examination of the question more immediately before the Senate. He differed from the Senator from South Carolina [Mr. CALHOUN] as to the manner of treating this petition. He should adopt and pursue the opinion acted upon by the Congress of the United States in 1790, and which had been substantially pursued from that period down to the present. Petitions similar to the present, and from the same society, had been presented to Congress at each session, and Congress had, at no time, refused to receive them; and a departure from the ordinary usage on this subject, he apprehended, might produce, rather than allay, excitement. It would be recollected that, by the constitution of the United States, Congress is expressly prohibited from interfering with the slave trade which might be carried on by the citizens of the different States for the space of twenty-one years; yet, in 1790, the Society of Quakers or Friends forwarded their petition to Congress, praying their interference upon that subject. This petition, although in direct opposition to the constitution, was received, and a motion was made to send it to a committee. This was opposed, and a proposition made to lay it upon the table. Those most opposed the object of the petition sustained the latter proposition. Mr. Madison, of Virginia, a slaveholding State, advocated the reference to a committee, and used the argument which he would read to the Senate:

"Mr. Madison thought the question before the committee was not otherwise important than as gentlemen made it so by their serious opposition. Did they permit the commitment of the memorial as a matter of course, no notice would be taken of it out of doors. It could never be blown up into a decision of the question respecting the discouragement of the African slave trade, nor alarm the owners with an apprehension that the general Government were about to abolish slavery in all the southern States. Such things are not contemplated by any gentleman. But, to appearance, they decide the question more against themselves than would be the case if it was determined on its real merits; because gentlemen may be disposed to vote for the commitment of the petition, without any intention of supporting the prayer of it."

Mr. G. proceeded by remarking that every thing that Mr. Madison apprehended had been realized by the debate in which the Senate was engaged. Alarm had been produced by this discussion. The abolitionists had been encouraged by it, and were redoubling their efforts; whereas, had the petitions been received and laid on the table, or had they been received and referred to the Committee on the District of Columbia, as heretofore, at this time the country would have been in a state of tranquillity. The decision that is to take place upon this motion may be a source of misapprehension to many citizens, who may infer that all, or at least some, of those who vote for the reception of the petition are favorable to its prayer, when in fact there is not one Senator here favorable to it.

Many Senators have declared their determination in opposition to this petition, and at the same time have declared their conviction that the constitution requires them to receive it. Gentlemen who think thus may seem to favor the memorialists, when they are, according to their own judgments, only complying with a constitutional obligation. If the Senator from South Carolina would withdraw his objection to the reception of the memorial, it might be hoped that a general vote of this body might be obtained for rejecting its prayer. A vote of that kind would discountenance and discourage the abolitionists, and give confidence to the citizens of the slaveholding States; and as so much had been said on this subject, he (Mr. G.) was desirous that the opinion of the Senate should be fully expressed by a vote upon the main question. The Senators from the North have told us they will abide our fate—that they will hazard every thing to secure to us the guarantees of the constitution in relation to this species of property. But they tell us at the same time that neither they nor their constituents entertain opinions upon the subject of the great right of petition which would justify them in refusing to receive this or any other petition couched in decorous and respectful language; that were they to vote not to receive the petition, they could not sustain themselves at home, and the abolitionists would thereby obtain an advantage over them. Mr. G. said he would ask whether it was right or reasonable for Senators of the slaveholding States, when they were asking those of the non-slaveholding States to wage a war with the abolitionists, who were their neighbors, for the security of the property of the South and Southwest, to arm their adversaries with dangerous weapons, and thereby enable them to conquer their friends? So far as he was concerned, he would aid the abolitionists with no weapon or argument, which they could use successfully against the friends of the Union and the constitution. Therefore, if there were no constitutional doubts existing, he would, as a matter of expediency, vote to receive the petitions, to be followed up by a vote rejecting their prayer. But he confessed that the constitutional right to refuse to receive a petition was very far from being clear. The right of petition existed before the formation of the constitution. It was well understood by the framers of that instrument; and although it only declares that Congress shall pass no law to prevent citizens from peaceably assembling and petitioning for a redress of grievances, it never could have entered into their minds that those to whom the petitions were addressed would refuse to receive them. Of what value is the right of petition, if those to whom petitions are addressed will not receive them and act upon them? The framers of the constitution remembered that the Parliament of Great Britain had passed laws prohibiting citizens from assembling, consulting, and petitioning for a redress of grievances. They recollected the acts commonly called the riot acts, and therefore they inserted the provision contained in the constitution. But it never entered into their minds that petitions, when signed, would not be received by those to whom they were addressed.

It is a matter of very little consequence to citizens that they are permitted to assemble and petition for a redress of grievances, if, after they have done so, their petitions are not to be received or considered by those who have the power to act upon the subject-matter of the petition. To his mind these arguments were too strong to be disregarded, and he was unwilling to give the abolitionists the benefit of them. At present they have no foundation on which to stand. They are giving way to the pressure of the public intelligence in the non-slaveholding States. But if we shall enable them to blend the right of petition with their abolition schemes, they may raise a storm which will shake the very foundations of this Government.

From the year 1790 down to the present day, all petitions have been received by this body, which were respectful and decorous, whatever the subject-matter of the petition might be; and at every session the petition of the Society of Friends, clothed in similar language with the present one, has been received. Mr. G. would not depart now from the established usage. He considered the reception of the petition, and the rejection of its prayer, as the strongest course against abolition that could be adopted. It would unite more voices, and convey a clearer expression of the sentiments of the Senate, than any other mode that could be proposed, and would, therefore, operate as a greater discouragement to those who were engaged in this wild and unconstitutional scheme of abolishing slavery in the United States.

Mr. G. said he regretted to learn that the Ohio synod of the Presbyterian church had adopted a resolution debarring from church privileges those who owned slaves. He hoped there was some mistake upon this subject; but if it were so, he could only say that, in his judgment, it would be an injury instead of a benefit to that church; and should the general assembly of the Presbyterian church confirm and enforce that resolution or decision, he believed the consequence would be a division of that church by a geographical line, which would be a result much to be lamented.

Mr. **HUBBARD** said that the paper from which he obtained the information alluded to was in the hands of the Senator from South Carolina nearest to him. He would, however, refer to the Senator from Ohio, [Mr. Morris,] and he requested that gentleman to state, for the information of the Senate, what he knew in relation to the resolutions of the Ohio presbytery.

Mr. MORRIS said he had a distinct recollection of seeing some proceedings of the Ohio synod, and also some recollection of the tenor of their resolutions. They came to him during the session of that body, and they attracted his attention because some of his friends were members of it. These resolutions, after condemning slavery as a moral evil, not to be tolerated in a Christian world, declared that they would not permit their meeting-houses to be opened to preachers who were slaveholders, and that they would not permit any members of the church, who held slaves, to hold communion with them. He had not these proceedings with him then; but if they were necessary for the information of the Senate before taking the question, he would bring them to the chamber, and put them into the hands of some Senator, in order that they might be made known. He felt this to be of some consequence, as frequent declarations had been made in the course of the debate, that a dissolution of the Union would be the result of legislation in a certain way, on the subject of the abolition of slavery. As he deemed the subject of some importance to the section of the country he represented, as well as to the Union, he would take occasion to express his views on it before taking the question.

Mr. KENT now rose and addressed the Chair as follows:

Mr. President: I participate so little in debate that the Senate will credit me when I state that it is always painful to me to trespass upon their patience. On the present occasion I will promise to detain them but for a few moments.

Interesting as these memorials before you are to the country generally, they are doubly so to the State of Maryland, which, in part, I represent here, from her proximity to this District. Hence it becomes my duty to make a few remarks, in addition to what has been so well said by my colleague on this occasion.

That the prayer of the petitioners is an improper one, and ought not to be granted by Congress, I have not the smallest doubt; indeed, I have not understood that a single individual on this floor is disposed to yield it; notwithstanding, when memorials are presented here, couched in respectful language, I ever have been, and ever shall be, unwilling to refuse to receive them. The right of petitioning is considered a sacred one, is guarantied by the constitution, and carries with it the obligation to be received; and if it was not secured by the constitution to the people of the United States, one of our ablest commentators has said it was a right that resulted so obviously from the nature and structure of our Government that he considers it unnecessary that it should have been inserted in the great charter of their rights.

The second session of the first Congress, under our present form of Government, had not commenced its duties six weeks, before a memorial was presented to the House of Representatives praying the abolition of slavery throughout the United States. This memorial embraced a much wider and broader scope than those before you, and its object was notoriously unconstitutional. Notwithstanding, it was received and reported on, the House of Representatives denying that Congress had any power over the subject; and thus were those people quieted for many years. Mr. Madison, at the time a Representative from the State of Virginia, voted for the reception of this memorial; and we all know that he was not only among the most prominent members of the convention which formed the constitution, but one of the ablest and most efficient advocates of it, when it was before the people for their adoption.

Mr. Jefferson wisely remarked "that error of opinion might be tolerated whilst reason was left free to combat it." I have the utmost reliance upon the good sense of the people of the United States. They are too well informed to press this or any other subject too far, that is fraught with the same dangerous consequences to the peace, happiness, and prosperity of the country. That their conduct is calculated to accomplish mischief only, I shall endeavor to prove in the few remarks I intend to make. They must and will desist from their course if we adopt the proper action on the subject.

After much reflection, and the most careful deliberation I have been able to devote to this matter, I have come to the conclusion that Congress has not the power to liberate the slaves in this District, were they disposed to do so, under the constitution and the deeds of cession made by the States of Virginia and Maryland. Those States use the same terms, and are very guarded in their language. They make the conveyance agreeably to the eighth article of the first section of the constitution of the United States, which embraces all the positive grants of power made to Congress, none of which touches the subject of slavery, and moreover reserve all rights of property to individuals, except as such individuals shall transfer the same to the United States. Under these reservations the transfer was made and accepted, and we are bound to respect the rights of property thus reserved.

I am aware gentlemen rely on that portion of the constitution which gives exclusive legislation to Congress over this District—which means no more than that Congress shall legislate free from the interference of any State legislation; that all other legislation shall be excluded from this District, save that of Congress. It does not mean a despotic, unbounded, unrestricted, unlimited legislation, but a legislation guarded by all the restraints of the constitution. That such was the intention of the framers of the constitution may be inferred from the practice of President Madison; such have been the decisions of the Supreme Court, and such the recorded opinions of Congress.

We never act as a local Legislature; we cannot be converted into one. We act invariably as a Congress of the United States. It is in that capacity only that we have exclusive legislation, as I hope to show hereafter; and in all our proceedings we are bound by the mandates of the constitution.

The great difficulty with me is to determine what is best to be done with these memorials. There is no motion before you, in my estimation, that will give a salutary direction to them. Adopt the motion of the Senator from South Carolina, and refuse to receive them, and similar memorials will be presented the next day, and this painful and exciting debate will be resumed in all its odious forms. Adopt the proposition of the Senator from Pennsylvania, [Mr. Buchanan,] which is a strong measure in relation to this subject, and he deserves great credit for making it, and the same difficulty occurs. The memorials will be presented the next day, and the discussion renewed which we ought to wish to avoid.

This subject, Mr. President, has been very fully discussed; it has elicited a large portion of the best talent in the Senate, and we ought to come to some conclusion how we can dispose of it to the best advantage. It occurs to me, Mr. President, that the most effectual way in which we could put it to rest would be for us to express our opinion with some degree of unanimity that the prayer of the petitioners could not be constitutionally granted, or, if unwilling to go that far, to say that, in a matter entirely local, it was improper for them to interfere, and that private property could not be taken without due process of law, and full compensation. This would put a stop to the improper interference of these petitioners, and relieve us from the presentation of these memorials hereafter.

Those of us, Mr. President, residing in slaveholding States, however indulgent we might be disposed to be in interpreting the motives of those memorialists, cannot avoid the apprehension that they have a much more extensive object in view than what is expressed upon the face of the petitions. In sending them here, we cannot repress the belief that they have been prompted by the abolitionists, or that they are members of those boasted abolition societies, and that their real object is to have a bearing on the adjoining States of Maryland and Virginia. It is impossible to resist altogether this impression, or to avoid connecting the presentation of those memorials in such large numbers with the events of the last year, and the open and official declarations of the abolitionists themselves. Then, if my opinion is correctly formed, their object is directed ultimately to the States, although they must know that the States alone can regulate slavery within their limits. Let, then, those abolitionists turn their attention to their own condition. Every State north of Maryland, with the exception of Vermont, hold slaves, agreeably to the census of 1830—some of them thousands—and thereby recognise slavery. If they have found so much difficulty in disposing satisfactorily of the few they have had, how insurmountable would have been the obstacles thrown in their way in accomplishing even what they have done, had the slaves in any of those States exceeded the whites in numbers, or even approached an equality.

Let us look, Mr. President, at what is our condition in relation to this subject, and inquire what it is those abolitionists would have us do. In the adjoining county east of the Capitol, in which I reside, there were, agreeably to the census of 1830, seven thousand six hundred and eighty-seven whites, eleven thousand five hundred and eighty-five slaves, and twelve hundred free negroes, making nearly two blacks to one white. Can it be possible that those abolitionists, reckless as they appear to be, can be serious when they call upon us suddenly to yield up this large amount of property, worth not less than four or five millions of dollars, to carry their fanatical schemes into effect? And that is not all; that is but a small part of the sacrifice; we are required to degrade our own caste, by placing the whites at the disposal of the blacks, as far as numbers can achieve it; and we all know the power of numbers. I have referred to the adjoining county, because whatever takes place in this District, between which and the county there is only an imaginary line, must materially affect its interests. In this District there are about six thousand slaves, valuable to their owners, whose condition as slaves could not be made better, and, if liberated to-morrow, would be in a worse condition; and it is proposed by the memorialists whose petitions are before you, that the inhabitants of this District should forthwith yield up this property, in order to gratify their mistaken views of philanthropy, without having "property in, or common interest with, or any attachment to, this community;" and that, too, without paying any respect to that part of the constitution which declares that "no person shall be deprived of property without due process of law, nor shall private property be taken without just compensation."

I have called the attention of the Senate to the adjoining State of Maryland, from which I have been deputed to a seat on this floor, because I was an eye-witness to the excitement, the uneasiness, and the painful apprehension, which but too generally prevailed throughout that section of the country during the last summer and autumn, growing out of the events in one of the southern States. If such occurrences would cause uneasiness now, what distress would they not produce were this District filled with forty or fifty thousand freed negroes, and they stimulated to madness by the abolitionists? Even at this time we experience much annoyance from the agents of the abolitionists.

They are prepared to furnish any amount of forged papers to any number of slaves that may apply for them. Those I have seen, with all the forms of office attached to them. The conduct of the abolitionists may be sport to them, but it is death to us; and, moreover, they may rely on it, this course is well calculated to defeat the very object they pretend to have in view—the amelioration of the condition of the slaves in this District.

I agree with those, Mr. President, who have preceded me, in expressing the belief that, if the abolitionists are determined to persevere in their attempts upon the slaveholding States, it is high time those States should be aroused to a sense of their condition, and be prepared to resist firmly, but calmly and legally, the dangers with which they are beset, and that Congress should decide at once how far they will go to secure to them their just rights, and to check the abolitionists in their mad career.

Those dangers may be readily ascertained when we look at the means placed at the disposal of the abolitionists to accomplish their object and annoy us. They officially inform us they have a press exclusively employed to propagate their views, to destroy our peace, disturb our repose, and keep us in eternal apprehension; to take our property from us without our consent, or render it useless to us; able and heartless writers, they inform us, are to be constantly employed against us. Every odious epithet is to be applied to us, and our conduct is to be characterized by all the disgusting coloring that a heated, a deluded, and distempered imagination can invent.

Suitable matter is always to be in readiness for the press. The press is never to be idle, which operates like the irresistible screw, retains what power it has acquired to-day, and contends strenuously for more to-morrow. Those abolitionists have also, we are informed by a recent publication of theirs, an abundance of funds; their office is in the great city of New York, the centre of communication from every part of our extensive country; and they boast that they have upwards of three hundred and fifty anti-slavery societies, (the Senator from South Carolina, [Mr. PRESTON,] who is better informed upon the subject than I am, puts them at five hundred,) and they tell us that they bid defiance to any post office regulations we can make, that they can evade them all; and they have able and influential emissaries constantly employed. This is a formidable array of power to be brought to bear upon the slaveholding States, and directed, too, at a vulnerable point.

The press itself to be directed constantly against us, unless timely rebutted, is truly formidable. The annual *exposé* to Congress by the executive department of our Government, exhibiting the unprecedented growth of the wealth, happiness, and prosperity of this country, is rapidly uprooting the long-established prejudices of Europe, guarded as they have been by the respective Governments of that country; and if an annual publication can achieve so much, what may not be apprehended from a press exclusively employed to accomplish a particular object, however reprehensible or ill-judged it may be?

If the hasty view I have taken of this subject is at all correct, it behooves us, Mr. President, to follow the example of the pure and patriotic men who constituted the first Congress, and who declared they had no power over this subject, and to give such a direction to it as will satisfy the abolitionists of their mistaken views, and secure the slaveholding States in their just rights, and restore to them their former repose. Since 1790, when the then Congress decided they had no control over the subject of slavery, no alteration has taken place in our condition, except that the foreign slave trade has been abolished, in which the South had little or no participation, and this District has been ceded to the general Government, agreeably to the requisitions of the constitution, as the seat of the federal Government, under the reservations I have mentioned, and which never would have been ceded by the States of Virginia and Maryland, if it could have been believed at the time that it ever would have proved the means of annoyance to them it is now threatened to become. The same constitution which justified the first Congress in expressly stating they had no control over the subject of slavery, is in full force, in every word and syllable, in this District, and would, in my humble opinion, justify our adopting the decision then made as applicable on the present occasion.

Far be it from me, Mr. President, to wish to implicate our northern fellow-citizens generally in the proceedings of the abolitionists. I appreciate too highly their good sense, their patriotism, and their devotion to the Union, to entertain such an opinion of them. Moreover, it has been denied on this floor as well as elsewhere, and I give full credit to their declarations.

I know the number of the abolitionists is small, compared to those opposed to their fanatical conduct. Yet we are bound, in self-defence, not to underrate their strength, not to underestimate their influence, when we take into view the formidable weapons of annoyance at their command. The abolitionists should leave this subject of slavery to the people of the States, where the constitution has placed it. No one living without the limits of any State can justifiably interfere with this subject within the State, nor will they be permitted to do so.

It is from the enactments of each State that the slave living within its limits must look for any amelioration of his condition; and allow me to assure you, Mr. President, that much has been done in that way during the last twenty-five years. In this District, the reliance of the slave must be upon the force of public opinion, which is strongly in his favor; and whenever slavery shall cease in Maryland and Virginia, it will, as a matter of course, cease to exist here, under the influence of that public feeling I have alluded to, and will be accomplished by the inhabitants of this place, free from the interference of persons living five hundred or a thousand miles off.

An honorable Senator from Vermont, [Mr. Prentiss,] whilst delivering his sentiments the other day upon this subject, expressed the opinion, that when legislating for this District we acted as a local Legislature, and that Congress possessed the power, in consequence of acting thus, to levy a tax of such a character upon the slaves of this District as would, from its amount, oblige their owners to liberate them in preference to paying the tax. I have a high respect for the intelligence and legal attainments of the Senator from Vermont, but presume he has not investigated this part of his argument with his usual diligence, otherwise he would have found that neither of those questions was yet to be settled. They have been heretofore fully discussed and solemnly decided on by the Supreme Court, in the cases of Cohens *vs.* Virginia, and Lufborough *vs.* Blake.

The power of Congress to exercise exclusive jurisdiction over this District and other ceded places is conferred on that body as the Legislature of the Union, and cannot be exercised in any other character. The reasoning of the court, affirming that every act of Congress was a law of the United States, and that Congress in passing it acted as the Legislature of the Union, can best be conveyed in their own language:

"In enumerating the powers of Congress, which is made in the 8th section of the 1st article, we find that of exercising exclusive legislation over such district as shall become the seat of Government. This power, like all others which are specified, is conferred on Congress as the Legislature of the Union; for, strip them of that character, and they would not possess it. In no other character can it be exercised. In legislating for the District they necessarily preserve the character of the Legislature of the Union, for it is in that character alone that the constitution confers on them this power of exclusive legislation. This proposition need not be enforced. The second clause of the sixth article declares that 'this constitution and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land.' The clause which gives exclusive jurisdiction is unquestionably a part of the constitution, and as such binds all the United States."

Since Congress legislates in the same form and in the same character, in virtue of powers of equal obligation conferred in the same instrument, when exercising its exclusive powers of legislation as well as when exercising those which are limited, we must inquire whether there be any thing in the nature of this exclusive legislation which necessarily confines the operation of the laws made in virtue of this power to the place with a view to which they are made. Connected with the power to legislate within this District is a similar power in forts, arsenals, dock yards, &c. Congress has a right to punish murder in a fort or other place within its exclusive jurisdiction, but no general right to punish murder committed within any of the States. In the act for the punishment of crimes against the United States, murder committed within a fort, or any other place under the sole and exclusive jurisdiction of the United States, is punished with death; thus Congress legislates in the same act under its exclusive and its limited powers. The act proceeds to direct that the body of the criminal, after execution, may be delivered to a surgeon for dissection, and punishes any person who shall rescue such body during its conveyance from the place of execution to the surgeon to whom it is to be delivered.

Let those actual provisions of the law, or any other provisions which can be made on the subject, be considered with a view to the character in which Congress acts when exercising its powers of exclusive legislation. If Congress is to be considered merely as a local Legislature, invested, as to this object, with powers limited to the fort or other place in which murder may be committed, if its general powers cannot come in aid of these local powers, how can the offence be tried in any other court than that of the place in which it has been committed? How can the offender be conveyed to, or tried in, any other place? How can his body be conveyed through a country under the jurisdiction of another sovereign, and the individual punished, who, within that jurisdiction, shall rescue the body? The decision of the court is illustrated by other examples, which I consider it unnecessary to refer to, and, in conclusion, remark that Congress exercises all its powers in its high character, as the Legislature of the Union, and not as a local Legislature.

As regards the tax upon slaves in this District, heretofore referred to, I presume the honorable Senator is equally mistaken. The question was raised in 1815, whether Congress had, under the constitution, the right to tax this District at all, so long as it was unrepresented; but I never heard it insinuated before, that Congress could levy upon the inhabitants of it a separate capitation or direct tax. The principle of apportionment established in the constitution secures them against the oppressive exercise of the power to levy and collect direct taxes as effectually as the principle of uniformity established in the constitution secures the District from oppression in the imposition of indirect taxes. The decision of the Supreme Court in the case of Lufborough *vs.* Blake fully sustains this opinion; and at the same time that it confirms the right of Congress, should they think proper to levy a direct tax upon this District, whenever such a tax shall be levied upon the property of the States, it denied the power of Congress, if I comprehend the opinion of the court, to levy a separate tax upon this District, at any time or for any purpose, except such as may be entirely municipal, with which Congress, I take it for granted, will never interfere.

When Mr. Kent had taken his seat,

Mr. **EWING** said he was reluctant to prolong the debate even for a moment, and yet he felt it his duty to say a few words in explanation of the vote he was about to give. I am (said Mr. E.) opposed to slavery, and think it a great evil in any community; and I believe such is the opinion of most of the reflecting men in the South, viewing the question in the abstract, without reference to any fixed and settled condition of society. Such, I am very sure, is the almost universal opinion in the State of Ohio. The people of that State entertain that opinion, fixed and immovable; it was imbibed from their earliest infancy, and it has grown up with them as a part of the morals of the society in which they are reared; and yet public opinion on the subject of abolition is in that State such as our southern brethren themselves would consider sound. There are a few in favor of the interference of Congress to abolish slavery in this District; and yet I can safely say that I know of none who would push that measure beyond what they suppose to be the constitutional powers of Congress—none who would disturb the people of the States in the enjoyment of all that the constitution secures to them. It is a very small minority of the whole people who are in favor of the interference of Congress to abolish slavery in the District of Columbia. It is true, many petitions have been forwarded to that effect; but out of a population of more than a million of souls, a few thousand petitioners of both sexes make up but a very small proportion of the aggregate mass, something more, perhaps, than one out of a hundred. But these few, Mr. President, are not incendiaries, or persons who are disposed to march to their object through violence and bloodshed, burning and massacre; not at all. They are humane, orderly, and peaceful citizens, whose object is to do good, but who have, in my opinion, mistaken the way to do it. They are certainly impelled by no motives of interest, nor by hopes of gaining popular influence; for the public feeling is, as I have said, all the other way. Gentlemen here have, in their speeches on this subject, said that violence was done to the abolitionists at their meetings in their respective States. There have been a few similar instances in mine; but they are, I happy to say, rare; and they are almost the only instances that I have known in which popular feeling triumphed over law; for the people of Ohio are a law-abiding people, essentially so; and it must be a strong case of public excitement, indeed, which could for a moment, and to any extent, defy the law.

I have said, said Mr. E., that I thought the abolitionists, even those moderate and rational ones whom we have among us, are doing evil instead of good; and I think, further, if they could be convinced of this, they would cease to meet and petition on the subject. They do evil in the first place, because their views and wishes cannot, in the estimation of the great body of the southern people, be separated from those mad and reckless fanatics who attempt, by various devices, to excite insurrection among the slaves, and bring on all the horrors of a servile war. Those who are threatened by the machinations of the last-named associations, few in numbers as they are, and confined to a small space, cannot, and do not, draw the distinction between them and these petitioners, who make the law their guide, and who wish to do nothing but what law and humanity sanction. The distinction between these two classes of men, strong as it is, cannot be fully kept in view, even in debate here on the floor of the Senate; much less can we expect that it will be in the opinions and feelings of the mass of the people in the South, especially in a moment of excitement and alarm. These petitions tend to keep up that alarm, to sow distrust in the people of the South against those of the North and West; it makes whole communities in the slaveholding States distrustful of their colored population, and causes them to pass rigorous laws against them, denying them reasonable indulgence, and making it penal to instruct them. We are assured that most of this legislation, which seems to us so harsh, has been caused by the abolition movements. Those same movements, it seems, have another effect, equally injurious to both master and slave. They cause jealousy and distrust between them, where otherwise there might exist confidence and affection. Such, I believe, are the general consequences of these petitions throughout the Union; certainly the very reverse of what is intended by those who frame them; and they produce no good effects to counterbalance those evils. If the petitioners should succeed, (of which there is not the least probability,) if by common consent all should agree to abolish slavery in the District, not a single slave would be thereby emancipated; all would be hurried off in anticipation of such a law, if it were likely to pass, and sold to the cotton and sugar planters in the South.

Again: the measure would be arbitrary in the extreme. The people of this District, whose condition would be changed so materially and so violently, are not consulted. They have no voice in the proposed measure. Their situation is indeed peculiar. Our Government over them is among the most arbitrary on earth: they have none of the blessings of self-government whatever, and have no participation in selecting their rulers. We who are here know something of their situation, their wants, and their wishes. But those of our constituents at home, who petition for this change in the condition of these people, do evidently know very little about them. I have already stated what I believed would be the effect of a law to abolish slavery in this District on the slaves themselves; that it would sell them into a much more cheerless and more bitter bondage than they now endure. Its effects upon the whites would be equivalent to an edict of banishment: nearly the whole population would be changed; for families would rather change their place than change so materially their domestic habits and relations. All other objections apart, I would not vote for such a measure, unless I could be satisfied that the people of the District, if they could speak as a free people, would pronounce in its favor. For these, and various other reasons which have been often repeated in this debate, I am opposed to granting the prayer of this petition. But I cannot vote with the Senator from South Carolina to refuse to receive it. This brings up another question—the right of petition, as guarantied by the constitution, and as inherent in the very nature of all free institutions. This right would, it seems to me, be invaded by such a refusal; at least, it would be questionable whether we had not invaded it; and if we err in this matter, it is better that our error should be on the side of the constitution. But, even if we have the right, it is not sound policy to reject it. Opinion is not to be controlled by harsh or violent measures; and it is better that an investigation should be had, and a reason given in all our communications with a reasoning people. For like cause, I hold the motion of the Senator from Pennsylvania objectionable, though, if nothing better is proposed, I shall incline to vote for it. I would much prefer a reference to a committee, and a report, explaining, in a calm and temperate manner, the reasons which govern the Senate in refusing to interfere in the manner proposed. Or I would be satisfied if some of the leading reasons on which we act were appended to his resolution to reject the prayer; and reasons I have no doubt could be set forth, which would be satisfactory to the calm and reflecting people who sent us this memorial.

On motion of Mr. CALHOUN, the subject still being up,

The Senate adjourned.

WEDNESDAY, MARCH 9.

ABOLITION OF SLAVERY.

The Senate proceeded to consider the petition of the Society of Friends in Philadelphia, on the subject of the abolition of slavery in the District of Columbia.

The question being on the motion "that the petition be not received,"

Mr. CALHOUN rose and said: If we may judge from what has been said, the mind of the Senate is fully made up on the subject of these petitions. With the exception of the two Senators from Vermont, all who have spoken have avowed their conviction, not only that they contain nothing requiring the action of the Senate, but that the petitions are highly mischievous, as tending to agitate and distract the country, and to endanger the Union itself. With these concessions, I may fairly ask, why should these petitions be received? Why receive, when we have made up our mind not to act? Why idly waste our time and lower our dignity in the useless ceremony of receiving to reject, as is proposed, should the petitions be received? Why finally receive what all acknowledge to be highly dangerous and mischievous? But one reason has been or can be assigned—that not to receive would be a violation of the right of petition, and, of course, that we are bound to receive, however objectionable and dangerous the petitions may be. If such be the fact, there is an end to the question. As great as would be the advantage to the abolitionists, if we are bound to receive, if it would be a violation of the right of petition not to receive, we must acquiesce. On the other hand, if it shall be shown, not only that we are not bound to receive, but that to receive, on the ground on which it has been placed, would sacrifice the constitutional rights of this body, would yield to the abolitionists all they could hope at this time, and would surrender all the outworks by which the slaveholding States can defend their rights and property here, then a unanimous rejection of these petitions ought of right to follow.

The decision, then, of the question now before the Senate is reduced to the single point: are we bound to receive these petitions? or, to vary the form of the question, would it be a violation of the right of petition not to receive them?

When the ground was first taken that it would be a violation, I could scarcely persuade myself that those who took it were in earnest, so contrary was it to all my conceptions of the rights of this body and the provisions of the constitution; but, finding it so earnestly maintained, I have since carefully investigated the subject, and the result has been a confirmation of my first impression, and a conviction that the claim of right is without shadow of foundation. The question, I must say, has not been fairly met. Those opposed to the side which we support have discussed the question as if we denied the right of petition, when they could not but know that the true issue is not as to the existence of the right, which is acknowledged by all, but its extent and limits, which no one of our opponents had so much as attempted to ascertain. What they have declined doing, I undertake to perform.

There must be some point, all will agree, where the right of petition ends, and that of this body begins. Where is that point? I have examined this question carefully, and I assert boldly, without the least fear of refutation, that, stretched to the utmost, the right cannot be extended beyond the presentation of a petition, at which point the rights of this body commence. When a petition is presented, it is before the Senate. It must then be acted on. Some disposition must be made of it before the Senate can proceed to the consideration of any other subject. This no one will deny. With the action of the Senate its rights commence—rights secured by an express provision of the constitution, which vests each House with the right of regulating its own proceedings, that is, to determine, by fixed rules, the order and form of its action. To extend the right of petition beyond presentation is clearly to extend it beyond that point where the action of the Senate commences, and, as such, is a manifest violation of its constitutional rights. Here, then, we have the limits between the right of petition and the right of the Senate to regulate its proceedings clearly fixed, and so perfectly defined as not to admit of mistake, and, I would add, of controversy, had it not been questioned in this discussion.

If what I have asserted required confirmation, ample might be found in our rules, which imbody the deliberate sense of the Senate on this point, from the commencement of the Government to this day. Among them the Senate has prescribed that of its proceedings on the presentation of petitions. It is contained in the 24th rule, which I ask the Secretary to read, with Mr. Jefferson's remarks in reference to it:

"Before any petition or memorial addressed to the Senate shall be received, and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."—Rule 24.

Mr. Jefferson's remarks: "Regularly a motion for receiving it must be made and seconded, and a question put whether it shall be received; but a cry from the House of 'receive,' or even a silence, dispenses with the formality of the question."

Here we have a confirmation of all I have asserted. It clearly proves that when the petition is presented the action of the Senate commences. The first act is to receive the petition. Received by whom? Not the Secretary, but the Senate. And how can it be received by the Senate but on a motion to receive, and a vote of a majority of the body? And Mr. Jefferson accordingly tells us that regularly such a motion must be made and seconded. On this question, then, the right of the Senate begins; and its right is as perfect and full to receive or reject as it is to adopt or reject any other question, in any subsequent stage of its proceedings. When I add that this rule was adopted as far back as the 19th of April, 1789, at the first session of the Senate, and that it has been retained, without alteration, in all the subsequent changes and modifications of the rules, we have the strongest evidence of the deliberate sense of this body in reference to the point under consideration.

I feel that I might here terminate the discussion. I have shown, conclusively, that the right of petition cannot possibly be extended beyond presentation. At that point it is met by the rights of the Senate; and it follows, as a necessary consequence, that so far from being bound to receive these petitions, so far would a rejection be from violating the right of petition, were it left perfectly free to reject or receive at pleasure; to deprive us of which would violate the rights of this body secured by the constitution.

But, on a question of such magnitude, I feel it to be a duty to remove every difficulty; and, that not a shadow of a doubt may remain, I shall next proceed to reply to the objections our opponents have made to the grounds I have taken. At the head of these, it has been urged, again and again, that petitioners have a right to be heard, and that not to receive petitions is to refuse a hearing. It is to be regretted that, throughout this discussion, those opposed to us have dealt in such vague generalities, and ventured assertions with so little attention to facts. Why have they not informed us, in the present instance, what is meant by the right be be heard, and how that right is violated by a refusal to receive? Had they thought proper to give us this information, it would at least have greatly facilitated my reply; but, as it is, I am constrained to inquire into the different senses in which the assertion may be taken, and then to show that in not one of them is the right of petition in the slightest degree infringed by a refusal to receive.

What, then, is meant by the assertion that these petitioners have a right to be heard? Is it meant that they have a right to appear in the Senate chamber in person to present their petition, and to be heard in its defence? If this be the meaning, the dullest apprehension must see that the question on receiving has not the slightest bearing on such right. If they have the right to be heard personally at our bar, it is not the 24th rule of our proceedings, but the 19th, which violates that right. That rule expressly provides that a motion to admit any person whatever within the doors of the Senate to present a petition, shall be out of order, and of course excludes the petitioners from being heard in person. But it may be meant that petitioners have a right to have their petitions presented to the Senate, and read in their hearing. If this be the meaning, the right has been enjoyed in the present instance to the fullest extent. The petition was presented by the Senator from Pennsylvania [Mr. Buchanan] in the usual mode, by giving a statement of its contents, and on my call was read by the Secretary at his table.

But one more sense can be attached to the assertion. It may be meant that the petitioners have a right to have their petitions discussed by the Senate. If this be intended, I will venture to say that there never was an assertion more directly in the teeth of facts than that which has been so frequently made in the course of this discussion—that to refuse to receive the petition is to refuse a hearing to the petitioners. Has not this question been before us for months? Has not the petition been discussed day after day, fully and freely, in all its bearings? And how, with these facts before us, with the debates still ringing in our ears, any Senator can rise in his place and gravely pronounce that to refuse to receive this petition is to refuse a hearing to the petitioners—to refuse discussion, in the broadest sense—is past my comprehension. Our opponents, as if in their eagerness to circumscribe the rights of the Senate, and to enlarge those of the abolitionists, (for such must be the effect of their course,) have closed their senses against facts passing before their eyes, and have entirely overlooked the nature of the question now before the Senate, and which they have been so long discussing.

The question on receiving the petition not only admits discussion, but admits it in the most ample manner; more so, in fact, than any other, except the final question on the rejection of the prayer of the petition, or some tantamount question. Whatever may go to show that the petition is or is not deserving the action of this body, may be freely urged for or against it, as has been done on the present occasion. In this respect there is a striking difference between it and many of the subsequent questions which may be raised after reception, and particularly the one made by the Senator from Tennessee, [Mr. Grundy,] who now is so strenuous an advocate in favor of the right of the petitioners to be heard. He spoke with great apparent complacency of his course, as it respects another of these petitions. And what was that course? He who is now so eager for discussion, to give a hearing, moved to lay the petition on the table—a motion which cuts off all discussion.

But, it may be asked, if the question on receiving petitions admits of so wide a scope for discussion, why not receive this petition, and discuss it at some subsequent stage? Why not receive, in order to reject its prayer, as proposed by the Senator from Pennsylvania, [Mr. Buchanan,] instead of rejecting the petition itself on the question of receiving, as we propose? What is the difference between the two?

I do not intend, at this stage, to compare, or rather to contrast, the two courses, for they admit of no comparison. My object, at present, is to establish, beyond the possibility of doubt, that we are not bound to receive these petitions; and, when that is accomplished, I will then show the disastrous consequences which must follow the reception of the petition, be the after disposition what it may. In the mean time, it is sufficient to remark that it is only on the question of receiving that opposition can be made to the petition itself. On all others, the opposition is to its prayer. On the decision, then, of the question of receiving, depends the important question of jurisdiction. To receive is to take jurisdiction, to give an implied pledge to investigate and decide on the prayer, and to give the petition a place in our archives, and become responsible for its safe keeping; and who votes for receiving of this petition, on the ground on which its reception is placed, votes that Congress is bound to take jurisdiction of the question of abolishing slavery both here and in the States—gives an implied pledge to take the subject under consideration, and orders the petition to be placed among the public records for safe keeping.

But to proceed, in reply to the objections of our opponents. It is next urged that precedents are against the side we support. I meet this objection with a direct denial. From the beginning of the Government to the commencement of this session, there is not a single precedent that justifies the receiving of these petitions, on the ground on which their reception is urged. The real state of the case is, that we are not following but making precedents. For the first time has the principle been assumed, that we are bound to receive petitions; that we have no discretion, but must take jurisdiction over them, however absurd, frivolous, mischievous, or foreign from the purpose for which the Government was created. Receive these petitions, and you will create a precedent which will hereafter establish this monstrous principle. As yet there are none. The case relied on by the Senator from Tennessee [Mr. Grundy] is in no respect analogous. No question, in that case, was made on the reception of the petition. The petition slipped in without taking a vote, as is daily done, where the attention of the Senate is not particularly called to the subject. The question on which the discussion took place was on the reference, and not on the reception, as in this case; but what is decisive against the precedent, and which I regret the Senator [Mr. Grundy] did not state, so that it might accompany his remarks, is the fact that the petition was not for abolishing slavery. The subject was the African slave trade; and the petition simply prayed that Congress would inquire whether they might not adopt some measure of interdiction prior to 1808, when, by the constitution, they would be authorized to suppress that trade. I ask the Secretary to read the prayer of the petition:

"But we find it indispensably incumbent on us, as a religious body, assuredly believing that both the true temporal interests of nations, and eternal well-being of individuals, depend on doing justly, loving mercy, and walking humbly before God, the creator, preserver, and benefactor of men, thus to attempt to excite your attention to the affecting subject, [slave trade,] earnestly desiring that the infinite Father of Spirits may so enrich our minds with his love and truth, and so influence your understanding by that pure wisdom which is full of mercy and good fruits, as that a sincere and an impartial inquiry may take place, whether it be not an essential part of the duty of your exalted station to exert upright endeavors, to the full extent of your power, to remove every obstruction to public righteousness, which the influence or artifice of particular persons, governed by the narrow, mistaken views of self-interest, has occasioned; and whether, notwithstanding such seeming impediments, it be not really within your power to exercise justice and mercy, which, if adhered to, we cannot doubt abolition must produce the abolition of the slave trade."

Now, I ask the Senator where is the analogy between this and the present petition, the reception of which he so strenuously urges? He is a lawyer of long experience and of distinguished reputation; and I put the question to him, on what possible principle can a case so perfectly dissimilar justify the vote he intends to give on the present occasion? On what possible ground can the vote of Mr. Madison to refer that petition, on which he has so much relied, justify him in receiving this? Does he not perceive, in his own example, the danger of forming precedents? If he may call to his aid the authority of Mr. Madison, in a case so dissimilar, to justify the reception of this petition, and thereby extend the jurisdiction of Congress over the question of emancipation, to what purpose hereafter may not the example of his course on the present occasion be perverted?

It is not my design to censure Mr. Madison's course, but I cannot refrain from expressing my regret that his name is not found associated, on that occasion, with the sagacious and firm representatives from the South—Smith, Tucker, and Barber, of South Carolina, James Jackson, of Georgia, and many others who, at that early period, foresaw the danger, and met it, as it ought ever to be met by those who regard the peace and security of the slaveholding States. Had he added the weight of his talents and authority to theirs, a more healthy tone of sentiment than that which now unfortunately exists would this day have been the consequence.

Another case has been cited, to justify the vote for reception. I refer to the petition from the Quakers, in 1805, which the Senator from Pennsylvania [Mr. BUCHANAN] relies on to sustain him in receiving the present petition. What I have said in reply to the precedent cited by the Senator from Tennessee applies equally to this. Like that, the petition prayed legislation, not on abolition of slavery, but the African slave trade, over which subject Congress then in a few years would have full jurisdiction by the constitution, and might well have their attention called to it in advance. But, though their objects were the same, the manner in which the petitions were met was very dissimilar. Instead of being permitted to be received silently, like the former, this petition was met at the threshold. The question of receiving was made, as on the present occasion, and its rejection sustained by a strong southern vote, as the journals will show. The Secretary will read the journal:

"Mr. Logan presented a petition, signed Thomas Morris, clerk, on behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New Jersey, &c., stating that the petitioners, from a sense of religious duty, had again come forward to plead the cause of their oppressed and degraded fellowmen of the African race. On the question, 'Shall this petition be received?' it passed in the affirmative: Yeas 19, nays 9."

Among those, to receive the petition there were but four from the slaveholding States, and this on a single petition praying for legislation on a subject over which Congress in so short a time would have full authority. What an example to us on the present occasion. Can any man doubt, from the vote, if the southern Senators on that occasion had been placed in our present situation, that, had it been their lot, as it is ours, to meet the torrent of petitions which is now poured in on Congress, not from peaceable Quakers, but ferocious incendiaries; not to suppress the African slave trade, but to abolish slavery, they would, with united voice, have rejected the petition with scorn and indignation? Can any one who knew him doubt that one of the Senators from the South, (the gallant Sumpter,) who on that occasion voted for receiving the petition, would have been among the first to vindicate the interests of those whom he represented, had the question at that day been what it is on the present occasion? We are next told that, instead of looking to the constitution, in order to ascertain what are the limits to the right of petition, we must push that instrument aside, and go back to magna charta and the declaration of rights for its origin and limitation. We live in strange times. It seems there are Christians now more orthodox than the Bible, and politicians whose standard is higher than the constitution; but I object not to tracing the right to these ancient and venerated sources; I hold in high estimation the institutions of our English ancestors. They grew up gradually through many generations, by the incessant and untiring efforts of an intelligent and brave people struggling for centuries against the power of the Crown. To them we are indebted for nearly all that has been gained for liberty in modern times, excepting what we have added. But may I not ask how it has happened that our opponents, in going back to these sacred instruments, have not thought proper to cite their provisions, or to show in what manner our refusal to receive these petitions can violate the right of petition as secured by them? I feel under no obligation to supply the omission—to cite what they have omitted to cite, or to prove, from the instruments themselves, that to be no violation of them which they have not proved to be a violation. It is unnecessary. The practice of Parliament is sufficient for my purpose. It proves conclusively that it is no violation of the right, as secured by those instruments, to refuse to receive petitions. To establish what this practice is, I ask the Secretary to read from Hatsel, a work of the highest authority, the several paragraphs which are marked with a pencil, commencing at page 760, under the head of Petitions on Matter of Supply:

"On the 9th of April, 1694, a petition was tendered to the House, relating to the bill for granting to their Majesties several duties upon the tonnage of ships; and the question being put, that the petition be received, it passed in the negative.

"On the 28th of April, 1698, a petition was offered to the House against the bill for laying a duty upon inland pit coal; and the question being put, that the petition be received, it passed in the negative. See, also, the 29th and 30th of June, 1698, petitions relating to the duties upon Scotch linens, and upon whale fins imported.—Vide 20th of April, 1698.

"On the 5th of January, 1703, a petition of the maltsters of Nottingham being offered, against the bill for continuing the duties on malt; and the question being put, that the petition be brought up, it passed in the negative.

"On the 21st of December, 1706, *Resolved*, That this House will receive no petition for any sum of money relating to public service, but what is recommended from the Crown. Upon the 11th of June, 1713, this is declared to be a standing order of the House.

"On the 29th of March, 1707, *Resolved*, That the House will not proceed on any petition, motion, or bill, for granting any money, or for releasing or compounding any money owing to the Crown, but in a Committee of the Whole House; and this is declared to be a standing order. See, also, the 29th of November, 1710.

"On the 23d of April, 1713, *Resolved*, That the House will receive no petition for compounding debts to the Crown, upon any branch of the revenue, without a certificate from the proper officer annexed, stating the debt, what prosecutions have been made for the recovery thereof, and what the petitioner and his security are able to pay.

"On the 25th of March, 1715, this is declared to be a standing order. See the 2d of March, 1735, and the 9th of January, 1752, the proceedings upon petitions of this sort.

"On the 8th of March, 1732, a petition being offered against a bill depending for securing the trade of the sugar colonies, it was refused to be brought up. A motion was then made that a committee be appointed to search precedents in relation to the receiving or not receiving petitions against the imposing of duties; and the question being put, it passed in the negative."

Nothing can be more conclusive. Not only are petitions rejected, but resolutions are passed, refusing to receive entire classes of petitions, and that, too, on the subject of imposing taxes—a subject, above all others, in relation to which we would suppose the right ought to be held most sacred, and this within a few years after the declaration of rights. With these facts before us, what are we to think of the assertion of the Senator from Tennessee, [Mr. GRUNDY,] who pronounced in his place, in the boldest and most unqualified manner, that there was no deliberative body which did not act on the principle that it was bound to receive petitions? That a member of his long experience and caution should venture to make an assertion so unfounded, is one among the many proofs of the carelessness, both as to facts and argument, with which this important subject has been examined and discussed on that side.

But it is not necessary to cross the Atlantic, or to go back to remote periods, to find precedents for the rejection of petitions. This body, on a memorable occasion, and after full deliberation, a short time since, rejected a petition; and among those who voted for the rejection will be found the names (of course I exclude my own) of the most able and experienced members of the Senate. I refer to the case of resolutions in the nature of a remonstrance from the citizens of York, Pennsylvania, approving the act of the President in removing the deposites. I ask the Secretary to read the journals on the occasion:

"The Vice President communicated a preamble and a series of resolutions adopted at a meeting of the citizens of York county, Pennsylvania, approving the act of the Executive removing the public money from the Bank of the United States, and opposed to the renewal of the charter of said bank; which having been read, Mr. Clay objected to the reception. And on the question, Shall they be received? it was determined in the negative: Yeas 20, nays 24.

"On motion of Mr. Preston, the yeas and nays being desired by one fifth of the Senators present, those who voted in the affirmative are,

"Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Mangum, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.

"Those who voted in the negative are,

"Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Leigh, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster."

In citing this case, it is not my intention to call in question the consistency of any member on this floor; it would be unworthy of the occasion. I doubt not the vote then given was given from a full conviction of its correctness, as it will doubtless be in the present case, on whatever side it may be found. My object is to show that the principle for which I contend, so far from being opposed, is sustained by precedents, here and elsewhere, ancient and modern.

In following, as I have, those opposed to me, to magna charta and the declaration of rights, for the origin and the limits of the right of petition, I am not disposed, with them, to set aside the constitution. I assent to the position they assume, that the right of petition existed before the constitution, and that it is not derived from it; but while I look beyond that instrument for the right, I hold the constitution, on a question as to its extent and limits, to be the highest authority. The first amended article of the constitution, which provides that Congress shall pass no law to prevent the people from peaceably assembling and petitioning for a redress of grievances, was clearly intended to prescribe the limits within which the right might be exercised. It is not pretended that to refuse to receive petitions trenches, in the slightest degree, on those limits. To suppose that the framers of the constitution—no, not the framers, but those zealous patriots who were not satisfied with that instrument as it came from the hands of the framers, and who proposed this very provision to guard what they considered a sacred right—performed their task so bunglingly as to omit any essential guard, would be to do great injustice to the memory of those stern and sagacious men; and yet this is what the Senator from Tennessee [Mr. GRUNDY] has ventured to assert. He said that no provision was added to guard against the rejection of petitions, because the obligation to receive was considered so clear that it was deemed unnecessary; when he ought to have known that, according to the standing practice at that time, Parliament was in the constant habit, as has been shown, of refusing to receive petitions; a practice which could not have been unknown to the authors of the amendment; and from which it may be fairly inferred that, in omitting to provide that petitions should be received, it was not intended to comprehend their reception in the right of petition.

I have now, I trust, established, beyond all controversy, that we are not bound to receive these petitions, and that, if we should reject them, we would not, in the slightest degree, infringe the rights of petition. It is now time to look to the rights of this body, and to see whether, if we should receive them, when it is acknowledged that the only reason for receiving is that we are bound to do so, we would not establish a principle which would trench deeply on the rights of the Senate. I have already shown that where the action of the Senate commences, there also its right to determine how and when it shall act also commences. I have also shown that the action of the Senate necessarily begins on the presentation of a petition; that the petition is then before the body; that the Senate cannot proceed to other business without making some disposition of it; and that, by the twenty-fourth rule, the first action after presentation is, on a question to receive the petition. To extend the right of petition to the question on receiving, is to expunge this rule; to abolish this unquestionable constitutional right of the Senate, and that for the benefit, in this case, of the abolitionists. Their gain would be at the loss of this body. I have not expressed myself too strongly. Give the right of petition the extent contended for; decide that we are bound, under the constitution, to receive these incendiary petitions, and the very motion before the Senate would be out of order. If the constitution makes it our duty to receive, we would have no discretion left to reject, as the motion presupposes. Our rules of proceeding must be in accord with the constitution. Thus, in the case of received bills, which, by the constitution, must originate in the other House, it would be out of order to introduce them here, and it has accordingly been so decided. For like reason, if we are bound to receive petitions, the present motion would be out of order; and, if such be your opinion, it is your duty, as the presiding officer, to call me to order, and to arrest all further discussion on the question of reception. Let us now turn our eyes for a moment to the nature of the right, which, I fear, we are about to abandon, with the view to ascertain what must be the consequence if we should surrender it.

Of all the rights belonging to a deliberative body, I know of none more universal, or more indispensable to a proper performance of its functions, than the right to determine at its discretion what it shall receive, over what it shall extend its jurisdiction, and to what it shall direct its deliberation and action. It is the first and universal law of all such bodies, and extends not only to petitions, but to reports, to bills, and resolutions, varied only in the two latter in the form of the question. It may be compared to the function in the animal economy, with which all living creatures are endowed, of selecting, through the instinct of taste, what to receive or reject, on which the preservation of their existence depends. Deprive them of this function, and the poisonous as well as the wholesome would be indifferently received into their system. So with deliberative bodies; deprive them of the essential and primary right to determine at their pleasure what to receive or reject, and they would become the passive receptacle, indifferently, of all that is frivolous, absurd, unconstitutional, immoral, and impious, as well as what may properly demand their deliberation and action. Establish this monstrous, this impious principle, (as it would prove to be in practice,) and what must be the consequence? To what would we commit ourselves? If a petition should be presented praying the abolition of the constitution, (which we are all bound by our oaths to protect,) according to this abominable doctrine it must be received. So, if it was prayed, the abolition of the decalogue, or of the Bible itself. I go farther. If the abolition societies should be converted into a body of atheists, and should ask the passage of a law denying the existence of the Almighty Being above us, the creator of all, according to this blasphemous doctrine we would be bound to receive the petition, to take jurisdiction of it. I ask the Senators from Tennessee and Pennsylvania, [Mr. GRUNDY and Mr. BUCHANAN,] would they vote to receive such a petition? I wait not an answer. They would instantly reject it with loathing. What, then, becomes of the unlimited, unqualified, and universal obligation to receive petitions, which they so strenuously maintained, and to which they are prepared to sacrifice the constitutional rights of this body.

I shall now descend from these hypothetical cases to the particular question before the Senate. What, then, must be the consequences of receiving this petition, on the principle that we are bound to receive it and all similar petitions whenever presented? I have considered this question calmly, in all its bearings, and do not hesitate to pronounce that to receive would be to yield to the abolitionists all that the most sanguine could for the present hope, and to abandon all the outworks upon which we of the South rely for our defence against their attacks here.

No one can believe that the fanatics, who have flooded this and the other House with their petitions, entertain the slightest hope that Congress would pass a law at this time to abolish slavery in this District. Infatuated as they are, they must see that public opinion at the North is not yet prepared for so decisive a step, and that seriously to attempt it now would be fatal to their cause. What, then, do they hope? What but that Congress should take jurisdiction of the subject of abolishing slavery; should throw open to the abolitionists the halls of legislation, and enable them to establish a permanent position within their walls, from which hereafter to carry on their operations against the institutions of the slaveholding States. If we receive this petition, all these advantages will be realized to them to the fullest extent. Permanent jurisdiction would be assumed over the subject of slavery, not only in this District, but in the States themselves, whenever the abolitionists might choose to ask Congress, by sending their petitions here, for the abolition of slavery in the States. We would be bound to receive such petitions, and, by receiving, would be fairly pledged to deliberate and decide on them. Having succeeded in this point, a most favorable position would be gained. The centre of operations would be transferred from Nassau Hall to the halls of Congress. To this common centre the incendiary publications of the abolitionists would flow, in the form of petitions, to be received and preserved among the public records. Here the subject of abolition would be agitated session after session, and from hence the assaults on the property and institutions of the people of the slaveholding States would be disseminated, in the guise of speeches, over the whole Union.

Such would be the advantages yielded to the abolitionists. In proportion to their gain would be our loss. What would be yielded to them would be taken from us. Our true position, that which is indispensable to our defence here, is, that Congress has no legitimate jurisdiction over the subject of slavery, either here or elsewhere. The reception of this petition surrenders this commanding position; yields the question of jurisdiction, so important to the cause of abolition and so injurious to us; compels us to sit in silence to witness the assaults on our character and institutions, or to engage in an endless contest in their defence. Such a contest is beyond mortal endurance. We must, in the end, be humbled, degraded, broken down, and worn out.

The Senators from the slaveholding States, who most unfortunately have committed themselves to vote for receiving these incendiary petitions, tell us that whenever the attempt shall be made to abolish slavery, they will join with us to repel it. I doubt not the sincerity of their declaration. We all have a common interest, and they cannot betray ours without betraying, at the same time, their own. But I announce to them that they are now called on to redeem their pledge. The attempt is now making. The work is going on daily and hourly. The war is waged, not only in the most dangerous manner, but in the only manner it can be waged. Do they expect that the abolitionists will resort to arms, and commence a crusade to liberate our slaves by force? Is this what they mean when they speak of the attempt to abolish slavery? If so, let me tell our friends of the South who differ from us, that the war which the abolitionists wage against us is of a very different character, and far more effective. It is a war of religious and political fanaticism, mingled, on the part of the leaders, with ambition and the love of notoriety, and waged, not against our lives, but our character. The object is to humble and debase us in our own estimation, and that of the world in general; to blast our reputation, while they overthrow our domestic institutions. This is the mode in which they are attempting abolition, with such ample means and untiring industry; and now is the time for all who are opposed to them to meet the attack. How can it be successfully met? This is the important question. There is but one way: we must meet the enemy on the frontier, on the question of receiving; we must secure that important pass—it is our Thermopylæ. The power of resistance, by a universal law of nature, is on the exterior. Break through the shell, penetrate the crust, and there is no resistance within. In the present contest, the question on receiving constitutes our frontier. It is the first, the exterior question, that covers and protects all the others. Let it be penetrated by receiving this petition, and not a point of resistance can be found within, as far as this Government is concerned. If we cannot maintain ourselves there, we cannot on any interior position. Of all the questions that can be raised, there is not one on which we can rally on ground more tenable for ourselves, or more untenable for our opponents, not excepting the ultimate question of abolition in the States. For our right to reject this petition is a truth as clear and unquestionable as that Congress has no right to abolish slavery in the States.

Such is the importance of taking our stand immoveably on the question now before us. Such are the advantages that we of the South would sacrifice, and the abolitionists would gain, were we to surrender that important position by receiving this petition. What motives have we for making so great a sacrifice? What advantages can we hope to gain that would justify us?

We are told of the great advantages of a strong majority. I acknowledge it in a good cause, and on sound principles. I feel in the present instance how much our cause would be strengthened by a strong and decided majority for the rejection of these incendiary petitions. If any thing we could do here could arrest the progress of the abolitionists, it would be such a rejection. But as advantageous as would be a strong majority on sound principles, it is in the same degree dangerous, when on the opposite—when it rests on improper concessions, and the surrender of principles, which would be the case at present. Such a majority must in this instance be purchased by concessions to the abolitionists, and a surrender, on our part, that would demolish all our outworks, give up all our strong positions, and open all the passes to the free admission of our enemies. It is only on this condition that we can hope to obtain such a majority—a majority which must be gathered together from all sides, and entertaining every variety of opinion. To rally such a majority, the Senator from Pennsylvania has fallen on the device to receive this petition, and immediately reject it, without consideration or reflection. To my mind the movement looks like a trick—a mere piece of artifice to juggle and deceive. I intend no disrespect to the Senator. I doubt not his intention is good, and believe his feelings are with us; but I must say that the course he has intimated is, in my opinion, the worst possible for the slaveholding States. It surrenders all to abolitionists, and gives nothing in turn that would be of the least advantage to us. Let the majority for the course he indicates be ever so strong, can the Senator hope that it will make any impression on the abolitionists? Can he even hope to maintain his position of rejecting their petitions without consideration, against them? Does he not see that, in assuming jurisdiction by receiving their petitions, he gives an implied pledge to inquire, to deliberate, and decide on them? Experience will teach him that we must either refuse to receive, or go through. I entirely concur with the Senator from Vermont [Mr. PRENTISS] on that point. There is no middle ground that is tenable, and, least of all, that proposed to be occupied by the Senator from Pennsylvania and those who act with him. In the mean time, the course he proposes is calculated to lull the people of the slaveholding States into a false security, under the delusive impression which it is calculated to make, that there is more universal strength here against the abolitionists than really does exist.

But we are told that the right of petition is popular in the North, and that to make an issue, however true, which might bring it in question, would weaken our friends, and strengthen the abolitionists. I have no doubt of the kind feelings of our brethren from the North, on this floor; but I clearly see that, while we have their feelings in our favor, their constituents, right or wrong, will have their votes, however we may be affected. But I assure our friends that we would not do any thing, willingly, which would weaken them at home; and, if we could be assured that, by yielding to their wishes the right of receiving petitions, they would be able to arrest, permanently, the progress of the abolitionists, we then might be induced to yield; but nothing short of the certainty of permanent security can induce us to yield an inch. If to maintain our rights must increase the abolitionists, be it so. I would at no period make the least sacrifice of principle for any temporary advantage, and much less at the present. If there must be an issue, now is our time. We never can be more united or better prepared for the struggle; and I, for one, would much rather meet the danger now, than to turn it over to those who are to come after us.

But putting these views aside, it does seem to me, taking a general view of the subject, that the course intimated by the Senator from Pennsylvania is radically wrong, and must end in disappointment. The attempt to unite all, must, as it usually does, terminate in division and distraction. It will divide the South on the question of receiving, and the North on that of rejection, with a mutual weakening of both. I already see indications of division among northern gentlemen on this floor, even in this stage of the question. A division among them would give a great impulse to the cause of abolition.

Whatever position the parties may take, in the event of such division, one or the other would be considered more or less favorable to the abolition cause, which could not fail to run it into the political struggles of the two great parties of the North. With these views, I hold that the only possible hope of arresting the progress of the abolitionists in that quarter is to keep the two great parties there united against them, which would be impossible if they divide here. The course intimated by the Senator from Pennsylvania will effect a division here, and instead of uniting the North, and thereby arresting the progress of the abolitionists, as he anticipates, will end in division and distraction, and in giving thereby a more powerful impulse to their cause. I must say, before I close my remarks in this connexion, that the members from the North, it seems to me, are not duly sensible of the deep interest which they have in this question, not only as affecting the Union, but as it relates immediately and directly to their particular section. As great as may be our interests, theirs is not less. If the tide continues to roll on its turbid waves of folly and fanaticism, it must in the end prostrate in the North all the institutions that uphold their peace and prosperity, and ultimately overwhelm all that is eminent, morally and intellectually.

I have now concluded what I intended to say on the question immediately before the Senate. If I have spoken earnestly, it is because I feel the subject to be one of the deepest interest. We are about to take the first step; that must control all our subsequent movements.

If it should be such as I fear it will, if we receive this petition, and establish the principle that we are obliged to receive all such petitions, if we shall determine to take permanent jurisdiction over the subject of abolition, whenever and in whatever manner the abolitionists may ask, either here or in the States, I fear that the consequence will be ultimately disastrous. Such a course would destroy the confidence of the people of the slaveholding States in this Government. We love and cherish the Union; we remember with the kindest feelings our common origin, with pride our common achievements, and fondly anticipate the common greatness and glory that seem to await us; but origin, achievements, and anticipation of coming greatness, are to us as nothing, compared to this question. It is to us a vital question. It involves not only our liberty, but, what is greater, (if to freemen any thing can be,) existence itself. The relation which now exists between the two races in the slaveholding States has existed for two centuries. It has grown with our growth and strengthened with our strength. It has entered into and modified all our institutions, civil and political. None other can be substituted. We will not, cannot, permit it to be destroyed. If we were base enough to do so, we would be traitors to our section, to ourselves, our families, and to posterity. It is our anxious desire to protect and preserve this relation by the joint action of the Government and the confederated States of the Union; but if instead of closing the door, if instead of denying all jurisdiction and all interference in this question, the doors of Congress are to be thrown open, and if we are to be exposed here, in the heart of the Union, to an endless attack on our rights, our character, and our institutions; if the other States are to stand and look on, without attempting to suppress these attacks, originating within their borders; and, finally, if this is to be our fixed and permanent condition, as members of this confederacy, we will then be compelled to turn our eyes on ourselves. Come what will, should it cost every drop of blood, and every cent of property, we must defend ourselves; and, if compelled, we would stand justified by all laws, human and divine.

If I feel alarm, it is not for ourselves, but the Union and the institutions of the country, to which I have ever been devotedly attached, however calumniated and slandered. Few have made greater sacrifices to maintain them, and none is more anxious to perpetuate them to the latest generation; but they can and ought to be perpetuated only on the condition that they fulfil the great objects for which they were created—the liberty and protection of these States.

As for ourselves, I feel no apprehension. I know to the fullest extent the magnitude of the danger that surrounds us. I am not disposed to under-estimate it. My colleague has painted it truly. But, as great as is the danger, we have nothing to fear if true to ourselves. We have many and great resources; a numerous, intelligent, and brave population; great and valuable staples; ample fiscal means; unity of feeling and interest; and an entire exemption from those dangers originating in a conflict between labor and capital, which at this time threatens so much danger to constitutional Governments. To these may be added, that we would act under an imperious necessity. There would be to us but one alternative—to triumph or perish as a people. We would stand alone, compelled to defend life, character, and institutions. A necessity so stern and imperious would develop to the full all the great qualities of our nature, mental and moral, requisite for defence—intelligence, fortitude, courage, and patriotism; and these, with our ample means, and our admirable materials for the construction of durable free States, would ensure security, liberty, and renown.

With these impressions, I ask neither sympathy nor compassion for the slaveholding States. We can take care of ourselves. It is not we, but the Union, which is in danger. It is that which demands our care—demands that the agitation of this question shall cease here—that you shall refuse to receive these petitions, and decline all jurisdiction over the subject of abolition, in every form and shape. It is only on these terms that the Union can be safe. We cannot remain here in an endless struggle in defence of our character, our property, and institutions.

I shall now, in conclusion, make a few remarks as to the course I shall feel myself compelled to pursue, should the Senate, by receiving this petition, determine to entertain jurisdiction over the question of abolition. Thinking as I do, I can perform no act that would countenance so dangerous an assumption; and as a participation in the subsequent proceedings on this petition, should it unfortunately be received, might be so construed, in that event I shall feel myself constrained to decline such participation, and to leave the responsibility wholly on those who may assume it.

Mr. CLAY rose to make an explanation with regard to the precedents cited by the Senator from South Carolina, one of which cases had been made on his motion; and as it was his intention to vote for the acceptance of the petition, it might without some explanation be supposed that there was an inconsistency in such vote. The right of the petition had, it was true, certain qualifications, one of which was, that it must be addressed to a deliberative body, having power over the subject of which the petition treated. Another qualification was, that the petition should not be insulting to the body to which it was addressed. This was the case with the petition from the town of York, Pennsylvania, which the Senate refused to receive. It would be recollected that this petition was not intended to complain of a grievance in the power of Congress to redress, but was in fact an insult on the Senate. Hence the rejection was not founded on the ground that Congress had no power over the subject treated of in the petition, but on the ground that the matter contained in it was offensive. He differed with the Senator from South Carolina as to the right of Congress to refuse the reception of a petition. He well knew that every deliberative body had the right to determine the time when petitions should be received; but this was under a mere regulation, having in view the convenience of the body as well as of the petitioners.

His idea was, that the right of petition carried with it the right of being heard on any subject that the body addressed had the power to act on. He thought that there was enough in the constitutional provisions which related to the District of Columbia, to justify their considering it. On the subject of the right of Congress to abolish slavery in the District, he was inclined to think, and candor required the avowal, that the right did exist; though he should take a future opportunity of expressing his views in opposition to the expediency of the exercise of that power. The constitution gave to Congress, with respect to the District of Columbia, all the powers not prohibited by it, and was directly contrary to that provision of the same instrument with respect to the States, which prohibited the exercise of powers not granted, and reserved them to the States and their people.

Mr. C. also expressed his disapprobation of the motion to receive and immediately reject the petition, made by the Senator from Pennsylvania. He did not think it a safe, substantial, and efficient enjoyment of the right of petition to reject it, without its passing through the usual forms. He thought that the right of petition required of the servants of the people to examine, deliberate, and decide, either to grant or refuse the prayer of a petition, giving the reasons for such decision. He thought accompanying the rejection of the petition with a clear and distinct expression of the reasons of the Senate, would carry conviction to every mind, satisfy the petitioners of the impropriety of granting their request, and thus have the best effects in putting an end to the agitation of the public on the subject.

The question was here taken, "Shall the petition be received?" and it was decided in the affirmative: Yeas 36, nays 10, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, McKean, Morris, Naudian, Niles, Prentiss, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—36.

NAYS—Messrs. Black, Calhoun, Cuthbert, Leigh, Moore, Nicholas, Porter, Preston, Walker, White—10.

Mr. CLAY said the motion before the Senate was susceptible of amendment, and before he sat down he would offer one. He had thought a reference to a committee, and a report of the reasons against granting the prayer of these petitioners, would be the better way to dispose of the subject; but he feared a majority could not be had for that course. There were certain great subjects that ought to be kept out of the scope of political action: they were the tariff, the great public domain, slavery, and the Union. Mr. C. commented briefly upon the importance of each of these heads, and condemned the movements in a certain quarter on the subject of slavery.

Mr. C., after arguing at some length in favor of receiving the petition, contending that the refusal to receive it would be a violation of the right of petition as secured by the constitution, expressed the strongest disapprobation of the course of the northern abolitionists, who were intermeddling with a subject that no way concerned them. He expressed himself in favor of a gradual emancipation of the black race, if it could be done without those injurious consequences which would inevitably flow from such a measure. Although he had been taught from his childhood to believe that every man, no matter what was his color or his condition, was entitled to freedom, yet the retaining the black race in slavery was justified by the necessity of the measure. If he were a southern man, he would resist emancipation in every form, either gradual or otherwise, because he would go for his own race, which was the superior race of the two; and because emancipation must necessarily give the inferior race, in the course of time, a numerical preponderance. Mr. C., after some further remarks, submitted the following amendment:

Resolved, That the prayer of the petitioners be rejected:

For the Senate, without now affirming or denying the constitutional power of Congress to grant the prayer of the petition, believe, even supposing the power uncontested, which it is not, that the exercise of it would be inexpedient—

1st. Because the people of the District of Columbia have not themselves petitioned for the abolition of slavery within the District.

2d. Because the States of Virginia and Maryland would be injuriously affected by such a measure, whilst the institution of slavery continues to subsist within their respective jurisdictions; and neither of those States would probably have ceded to the United States the territory now forming the District, if it had anticipated the adoption of any such measure, without clearly and expressly guarding against it.

3d. Because the injury which would be inflicted by exciting alarm and apprehension in the States tolerating slavery, and by disturbing the harmony between them and the other members of the confederacy, would far exceed any practical benefit which could possibly flow from the abolition of slavery within the District.

Mr. PORTER made some remarks, expressive of his disappropriation of the amendment.

Mr. BUCHANAN said that some remarks, both of the Senator from South Carolina, [Mr. CALHOUN,] and of the Senator from Kentucky, [Mr. CLAY,] compelled him to make a few observations in his own defence.

Sir, said Mr. B., I rejoice at the result of the vote which has this day been recorded. It will for ever secure to the citizens of this country the sacred right of petition. The question has now been finally settled by a decisive vote of the Senate. The memorial which I presented from a portion of the highly respectable Society of Friends, has been received by a triumphant majority. Another happy consequence of this vote is, that abolition is for ever separated from the right of petition. The abolitionists will now never be able to connect their cause with the violation of a right so justly dear to the people. They must now stand alone. This is the very position in which every friend of the Union, both to the North and the South, ought to desire to see them placed.

From the remarks which have just been made by the Senators from South Carolina and Kentucky, it might almost be supposed that my motion to reject the prayer of the memorialists was trifling with the right of petition, which, in the course of debate, I have defended with all my power. Is there the slightest foundation for such an imputation?

The memorial has been received by the Senate, and has been read. If this body are in doubt whether they will grant its prayer; if they wish further information upon this subject than what they already possess, then they ought to refer it. On the other hand, if every Senator has already determined how he will vote upon the question, why send the memorial to a committee? It presents but one simple question for our decision. It asks us to abolish slavery in the District of Columbia. My motion proposes that this prayer shall be rejected. Now, is it not self-evident to every Senator upon this floor, that any committee which can be formed out of this body will arrive at the same conclusion? Why, then, refer this memorial to obtain a report, when we already know what that report will be? Why keep the question open for further agitation and debate? Should it be referred to a committee, upon their report we shall have the same ground to travel over again which we have been treading for so long a time. I have yet to learn that when a petition is presented to any tribunal, in a case so clear as not to require deliberation, that it is either disrespectful to the petitioners, or that it infringes the right of petition, to decide against its prayer without delay.

But in this case powerful reasons exist why the memorial ought not to be referred. Although we all agree that slavery ought not to be abolished in the District of Columbia, yet we arrive at this conclusion by different courses of reasoning. Before I presented this memorial, I endeavored to ascertain from Senators whether it would be possible to obtain a strong vote in favor of any proposition more specific in its terms than that now before the Senate. I found this would be impossible. I then made the motion to reject the prayer of the memorial, after much deliberation.

I found the Senate divided upon this subject into four sections. One portion was opposed to the prayer of the memorial, because, in their opinion, it would be unconstitutional to grant it; another, because it would violate our compacts of cession with Virginia and Maryland; a third, because it would be inexpedient and unjust to abolish slavery in this District whilst it exists in the surrounding States; and a fourth, who were unwilling to go even to this extent, but who equally condemned its abolition at the present moment. Here were the elements of discord. Whilst all or nearly all are harmonious in their conclusion that the prayer of the petition ought not to be granted, their premises are far different. My object was to get the strongest vote, for the purpose of calming the agitation both to the South and to the North. In order to accomplish this purpose, my motion must be one on which the largest majority could agree, and on which each member might vote for his own peculiar reasons. I ask what motion could I have made so well calculated to attain the end as the one now before the Senate?

The amendment which has just been proposed by the Senator from Kentucky will, I fear, prove to be the apple of discord in this body. It is too strong a measure for one portion of the Senate, whilst it is too weak for another. Those who believe that we have no power, under the constitution, to abolish slavery in this District, will not vote for the amendment, because it does not recognise this principle; whilst such gentlemen as deem it inexpedient at the present time to act upon the subject, but who do not wish to commit themselves for the future, will be equally opposed to the reasons which this amendment assigns. For my own part, individually, I should not object to the amendment. I could most cheerfully vote for all the principles which it contains. If I believed it would unite in its favor as large a majority of the Senate as the motion which I have made, unaccompanied by these reasons, it should have my support. But this, I am convinced, will not be the case; and my purpose is to obtain the largest vote possible; because this will have the strongest influence upon public opinion. It would most effectually check the agitation upon this subject.

Sir, said Mr. B., this question of domestic slavery is the weak point in our institutions. Tariffs may be raised almost to prohibition, and then they may be reduced so as to yield no adequate protection to the manufacturer: our Union is sufficiently strong to endure the shock. Fierce political storms may arise; the moral elements of the country may be convulsed by the struggles of ambitious men for the highest honors of the Government; the sunshine does not more certainly succeed the storm, than that all will again be peace. Touch this question of slavery seriously—let it once be made manifest to the people of the South that they cannot live with us, except in a state of continual apprehension and alarm for their wives and their children, for all that is near and dear to them upon the earth—and the Union is from that moment dissolved. It does not then become a question of expediency, but of self-preservation. It is a question brought home to the fireside, to the domestic circle, of every white man in the southern States. This day, this dark and gloomy day for the republic, will, I most devoutly trust and believe, never arrive. Although in Pennsylvania we are all opposed to slavery in the abstract, yet we will never violate the constitutional compact which we have made with our sister States. Their rights will be held sacred by us. Under the constitution it is their own question; and there let it remain.

Mr. **PRESTON** said there may be other reasons; he had some which were stronger than those assigned, and he should vote against these, which contained a negative pregnant, looking to a state of things when Congress could act on the subject.

Mr. **PORTER** said one of his reasons for wishing to lay on the table the amendment was, that he might examine it, and ascertain if such reasons as would be satisfactory to him, so as to command his vote, could be assigned. He renewed his motion, and again withdrew it; when

Mr. **CLAY** stated that he had no objection to let the amendment lie for further examination.

After a few words from Mr. **CUTHBERT**,

On motion of Mr. **MORRIS**,

The Senate adjourned.

THURSDAY, MARCH 10.

STATE GOVERNMENT OF ARKANSAS.

A message was received from the President of the United States, transmitting the proceedings of a convention held at Little Rock, in the Territory of Arkansas, to form a constitution and State Government for that Territory.

Mr. **BUCHANAN** moved to refer the message to a select committee.

Mr. **CLAYTON** moved to refer it to the select committee raised on the Michigan application.

Mr. **BUCHANAN** asked for the yeas and nays on his motion, which were ordered; and the question being taken, was decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Wall, White—22.

NAYS—Messrs. Black, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Goldsborough, Knight, Leigh, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—17.

On motion of Mr. **BUCHANAN**, the select committee thus agreed upon was ordered to consist of five members; and the balloting for the committee was postponed until to-morrow.

SUFFERERS BY FIRE IN NEW YORK.

On motion of Mr. **WRIGHT**, the Senate proceeded to consider the amendments made by the House of Representatives to the bill from this House for the relief of the sufferers by the late fire in the city of New York.

Mr. **WRIGHT** moved to concur in the amendments of the House. He prefaced his motion with some explanation of the character of the amendments. A provision was introduced, which extended the relief contemplated by the bill merely to those sufferers whose bonds remain unpaid. In the bill, as it passed this body, all the sufferers were included, and to such as had paid their bonds the amount was to be refunded. He had examined to ascertain what was the amount of bonds remaining unpaid, and, without pretending to be accurate, he would state that it was much less than he had anticipated. He was not, therefore, inclined to waste any time in attempts to correct the amendment of the House; but he would say it appeared to be extremely hard that those who, in the midst of their afflictions, had been faithful to the Government, and had paid their bonds, should be excluded from the benefit of the measure. They ought to have been among the very first to receive those benefits. But he would prefer that they should make their applications for relief individually rather than attempt a correction of the amendment.

There was also a provision introduced to make the bonds extended bear an interest of five per cent., which he could have desired to see omitted.

Mr. **SOUTHARD** expressed a wish for some time to examine the amendments, which he did not now exactly understand. He thought they changed the whole principle of the bill. He would, therefore, move to refer the amendments to the Committee on Finance.

Mr. **WRIGHT** said his object was expedition. He had originally intended to move a reference of the amendments to the Finance Committee. But he had received a note from the chairman of that committee, saying that he was unable to attend the committee. Another member of the committee was also indisposed; and as these were the gentlemen most conversant with the bill, he had abandoned his first intention.

Mr. CLAY suggested that the amendments should be laid on the table until to-morrow, to allow time for looking at their character. He moved to lay them on the table, and the motion was agreed to.

OHIO BOUNDARY.

Mr. CLAYTON moved to take up the bill to settle and establish the northern boundary of the State of Ohio.

Mr. KING, of Alabama, opposed the motion, on the ground that the Senate, after the vote taken yesterday to receive the petition praying to abolish slavery in the District of Columbia, was pledged to take the vote on the question pending to reject the prayer of the petitioners, in order that those who, from a sense of duty, voted to receive, might now give the strongest vote in opposition to its object. He showed the urgent necessity there was for settling this agitating question in the speediest and most decided manner; and suggested that the Ohio bill could be taken up the next day, as the abolition question having been sufficiently discussed, only required the vote on the second and most important question (the first having been taken) to end the subject.

Mr. EWING, after referring to the numerous delays both in this and the other House of the Ohio bill, and the powerful reasons that existed for settling the distracting controversy between Ohio and Michigan, said that a strong sense of duty constrained him to press the motion of the Senator from Delaware. There was no danger of this bill not passing both Houses of Congress if it could be brought fairly before them, but it had always been lost by being sent too late in the session to the other House.

Mr. BROWN observed that gentlemen expressed great anxiety to allay the excitement in the southern country, by giving some decided vote on the question that had so long been discussed. Yesterday the debate was brought to a close, the preliminary question taken, and the one most important to the South yet remained to be disposed of. He confessed he had heard with no little surprise the motion of the Senator from Delaware. Was there no way by which this country was to be relieved from this agitating subject of abolition; and was it still to be kept up without making one effort to put an end to it? He hoped that the Senate would see the necessity of going on with the unfinished business, and taking the question on the motion of the Senator from Pennsylvania, which all expected when they voted to receive the petition.

Mr. CLAYTON had no idea that the Ohio bill would give rise to any discussion. It had been sufficiently discussed at the last session; and, after the two concurring reports that had been made on it, he was not aware of any cause for apprehending a debate that would delay or defeat the object of the gentleman from Alabama.

Mr. MORRIS, after a few remarks, expressed his intention of submitting an amendment to the bill to establish the Ohio boundary, if it should be taken up. He did not concur with the committee in their report, nor was he satisfied with all the provisions of the bill.

Mr. LEIGH observed that it had been urged by the Senator from Alabama that he was anxious to proceed to the consideration of the unfinished business, in order to put an end to the excitement that had grown out of the subject so long discussed there. Whenever that subject came up, there would be the proposition of the Senator from Kentucky, which, it was most probable, would lead to a further discussion. To that proposition he intended to submit another by way of amendment, and he wished the Senate to be full when it was made, which was not then the case. There surely was no good reason why they should lay aside a subject which had been debated for months, and could be settled without discussion, to hasten the action on one that would most probably give rise to a debate.

Mr. BROWN remarked that, as to the Senate being full at a particular time, was a very uncertain matter. It was true that some Senators were then absent, but others might leave there on their return. Indeed, he knew of some then there, who would necessarily be absent in a few days. He thought the expectation of having a fuller Senate was not a sufficient reason for delaying the important question that remained to be decided.

Mr. BENTON observed that this was one of those times for the application of the rules of parliamentary proceedings. Jefferson's Manual spoke of the necessity of finishing what business was begun before proceeding to any other, "because, in this way, time was not wasted in debating what business should be commenced, and business was prevented from accumulating towards the end of the session." (Mr. B. quoted the rule from the Manual ralating to this practice.) If ever there was a time (observed Mr. B.) for the application of this rule, it was now. They had been discussing this subject of abolition for weeks, and frequently, when they seemed to be coming to the end of the debate, something would come up that would carry it on still further. Last evening there seemed to be a determination to put an end to the subject, and the first question was taken, which was supposed would be immediately followed by the final question. A new proposition, however, was now before them, which, with other additional branches that might come up, might protract the discussion to an indefinite period. He thought it would be best for the Senate to proceed at once to the unfinished business, and settle it as speedily as possible.

Mr. CLAYTON said, if all the business of the Senate was to have the preference over this bill, it would not be disposed of this session. He had arrived at the conclusion that there was danger in delaying this matter any longer; and he wished his hands clear of the responsibility of further delay.

Mr. WALL observed that he had no objection to taking his share of the responsibility of voting against the motion to take up the bill to settle the northern boundary line of the State of Ohio, and if any consequences were to follow, he was willing to bear so much of the blame as might justly be imputed to him. He said this, not from a reckless disregard of the interests of Ohio, but from a strong sense of duty. We have (said he) been for weeks engaged in the discussion of a subject pregnant with danger; involving the peace and security of one half of the States, and threatening, as they had been told in the course of the discussion, a dissolution of the Union. He asked gentlemen if there could be a question of greater importance before them? Every gentleman had had an opportunity of becoming acquainted with the whole subject, and was prepared to decide it in some way or other. Let us, then, (said he,) put an end to this exciting subject; let us, by a prompt decision, carry balm to the wounded feelings of the slaveholding States, and convince them that they have no cause to apprehend danger from here. If (said he) we do not end this question at once, what is to be the consequence? He heard yesterday that this Senate was to be converted into a Nassau Hall, for the discussion of the subject of abolition. Was this to be the case, or were they to carry out the understanding of yesterday, to take a decisive vote on it? He hoped that no other question would supersede this most important one, and, with a view to the coming to a speedy decision, he would move to lay the motion of the Senator from Delaware on the table.

Mr. CLAYTON called for the yeas and nays, which were ordered; and the question of laying Mr. Clayton's motion on the table was decided in the affirmative: Yeas 22, nays 20, as follows:

Yeas—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Porter, Ruggles, Shepley, Tallmadge, Walker, Wall, White, Wright—22.

Nays—Messrs. Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Knight, Leigh, McKean, Moore, Naudain, Prentiss, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson—20.

ABOLITION OF SLAVERY.

The unfinished business was then taken up, being the petition of the Society of Friends to abolish slavery in the District of Columbia--the question being on Mr. Clay's motion to amend the motion of Mr. Buchanan to reject the prayer of the petition.

Mr. PORTER had moved yesterday to lay the motion of the Senator from Kentucky [Mr. Clay] on the table, in order that he might have time for reflection. While that motion was pending, on motion of the Senator from Ohio, [Mr. Morris,] the Senate adjourned, which fully embraced the object of his (Mr. P's) motion. He was anxious to pursue that course best calculated to accomplish the object. He had reflected last night upon the matter, and had come to the conclusion that it was better for the southern Senators to vote for the naked proposition of the Senator from Pennsylvania, [Mr. Buchanan.] Without additional reasons being assigned, he thought it better not to go for the proposition of the Senator from Kentucky, [Mr. Clay.] There was such a contrariety of opinion in the Senate as to the proper mode of disposing of this exciting subject, that the proposition of the Senator from Pennsylvania [Mr. Buchanan] was the only one on which they could hope to get any thing like a united vote; and as the subject had been discussed so long, and the minds of Senators made up, he believed the best thing they could now do was to vote for the motion of the Senator from Pennsylvania to reject the prayer of the petition.

Mr. LEIGH moved to amend the amendment of Mr. Clay, by striking out all after the first word, and inserting the words, "that, in the opinion of the Senate, Congress has not the power to abolish slavery in the District of Columbia."

Mr. CUTHBERT said he thought that the Senator from Kentucky would now perceive the danger of opening the discussion still more extensively by the motion he had made. If the gentleman (said Mr. C.) will withdraw that motion, and allow us to take the proposition of the Senator from Pennsylvania, they would have an opportunity of giving a decisive vote, in which every member could unite. The gentleman from Kentucky must see that there was great difference of opinion with regard to his motion, and that it must draw with it propositions equally calculated to bring on debate.

Mr. LEIGH observed that he had no desire to press the subject at present, much less a desire to produce agitation. He had directed every word and expresssion of his, from the very commencement, with the view of avoiding excitement; and it was with unspeakable pain that he felt himself constrained to offer the amendment, not so much on account of the proposition of the Senator from Kentucky as of the argument by which it was accompanied. He was willing that the whole subject should be laid over; he wished it particularly, as it was desirable that the most deliberate consideration should be given to it. If gentlemen would persist in now pressing the subject, he would persist in his amendment.

Mr. LEIGH inquired of the Chair (it having been suggested that Mr. Clay, by withdrawing his amendment, would defeat his substitute) if this could be done; and, being answered in the affirmative, said that he would, in that case, feel it his duty to offer his amendment as a new proposition.

Mr. CLAY said the amendment submitted by him was offered with the best motives. He could not assent that Congress had no constitutional power to legislate on the prayer of the petition. He was ready to express his opinion on that, as he was on all subjects. The first clause of his amendment was in reference to feelings as it went against abolition, without affirming any opinion as to the constitutionality of the measure. The next, in the absence of its constitutionality, recognised the inexpediency of it. In the reasons assigned, the first was that the people of the District had not petitioned, and that, he said, did not imply, that if they had petitioned, their prayer would be granted. The next reason offered, he thought, ought to have been received by the Senators from the South with a very different feeling than was evinced, which was that the States of Maryland and Virginia would be injuriously affected by it; and if they had anticipated it, they would not have made the cession. In that he had asserted a principle of faith coeval with the cession itself. The third reason was, the degree with which the injury would be inflicted would far exceed any practical benefits resulting to the Government. This was a substantial reason, which must exist as long as the Government. These views would suppress abolition in the North, and, in moments when the minds of the South were calm and unagitated, would quiet their alarms. But as they had not been received in the spirit in which he expected they would be, he was willing to withdraw his amendment.

Mr. C. said he had listened attentively to the arguments of the Senator from Virginia, [Mr. Leigh,] and if any one could have convinced him that it was unconstitutional, that gentleman could. But he had heard no argument that had changed his opinion. He contended, that as neither Virginia nor Maryland, nor both combined, could abolish slavery in the District of Columbia, the power without limitation or restriction existed only in Congress. He had intended to say but little, and that little in the spirit of kindness. He had risen for the purpose of withdrawing his amendment.

Mr. LEIGH, in assigning the reasons which induced him to press his amendment, referred to the resolutions of the General Assembly of the State of Virginia, lately presented by him, expressly declaring that Congress had not the power to abolish slavery in the District of Columbia. He did not expect, when he presented these resolutions, that there would have been an occasion so soon to submit a proposition on them; but as the Senator from Kentucky took the ground, when he submitted his amendment, that Congress did possess this power, he felt that it was a fit occasion to bring the views of his Legislature distinctly before the Senate. Mr. L. entered into a lengthy argument to refute the position of Mr. Clay, that Congress possessed under the constitution unlimited sovereign power with regard to this District, under the clause of that instrument giving Congress exclusive legislation over it, drawing the distinction between exclusive legislation and exclusive sovereignty; and, further, he contended that Congress was prohibited from the exercise of this power by the clause in the constitution providing that private property shall not be taken for public use without just compensation, showing that to abolish property was not for "public use." Mr. L. deprecated the doctrines advanced by Mr. Clay as to the evils of slavery, denying that slavery, as it now existed, was an evil. Such sentiments as the Senator from Kentucky had avowed were calculated to impose, most grievously impose, on all those who did not understand the subject. Mr. L., after some remarks at length, said he would be willing to delay the question, so as to give further time for the consideration of the subject; but if gentlemen would press it, he must press his motion to call for the yeas and nays.

Mr. CUTHBERT said the Senator from Kentucky had, in the plenitude of his frankness, yielded his amendment, for the purpose of enabling the Senate to come to a final and united vote; and now, when by universal consent the moment was about to arrive to take that vote, another amendment was interposed. He therefore conjured the Senator from Virginia [Mr. LEIGH] to withdraw his amendment also. The vote on the motion of the Senator from Pennsylvania [Mr. BUCHANAN] would not preclude him (Mr. L.) from offering his amendment at any time after this vote was taken, if he should feel it his duty to offer it.

Mr. LEIGH replied that he was called on to act on this subject without a moment's deliberation. He had warned the Senate of the course he should be compelled to take, if this subject was pressed. If the Senate would give him time to deliberate, he would pursue that course which then seemed to him to be the best. Mr. L. then moved to lay the subject on the table, and called for the yeas and nays, but withdrew the motion at the request of

Mr. CRITTENDEN, who anticipated with confidence that the Senate would come to some unanimous vote. He had reluctantly voted to receive this petition yesterday, with a view at all times of giving it the most decided rejection; and in doing so he would desire to conform to the desires of the southern gentlemen. He hoped, however, that the Senator from Virginia [Mr. LEIGH] would find it consistent with his feelings and the interests of his constituents not to press the question of the constitutionality of this measure at this time.

Mr. BROWN was not willing, by any vote of his, to procrastinate this subject, and demanded the yeas and nays.

Mr. KING, of Alabama, felt very desirous of giving the Senator from Virginia an opportunity of giving as much time as might be necessary, to enable him to determine whether an imperious duty required him to press his motion. It was not his desire to hasten him into a decision. He suggested to the Senator from Virginia that there were resolutions among the orders of the Senate, which had been proposed by his late colleague, [Mr. TYLER,] involving the very question proposed in his amendment. These resolutions must come up before the Senate, and the whole subject relating to the powers of Congress with regard to slavery in this District would be a fair matter for discussion. [Mr. KING here read Mr. TYLER's resolutions, affirming that Congress did not possess the power to abolish slavery in the District, and that the assumption of it would be a breach of faith towards the States of Virginia and Maryland, who ceded the ten miles square, and a violation of the rights of private property.] The Senator from Virginia (Mr. K. said) would therefore perceive that delay was not desirable, either to enable him to carry out the instructions of his Legislature, or to get the constitutional question before the Senate, as the subject must come up in the resolutions of his late colleague.

Mr. LEIGH renewed his motion to lay the subject on the table, and

The question was taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, King of Alabama, Knight, Leigh, McKean, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Ewing of Illinois, Grundy, Hill, Hubbard, King of Georgia, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—20.

OHIO BOUNDARY.

On motion of Mr. EWING, of Ohio, the preceding orders were postponed, and the Senate proceeded to consider the bill to establish the northern boundary of Ohio.

Mr. MORRIS moved to amend the bill by striking out after the enacting clause, to the word "Ohio," inclusive, and inserting "The assent of the Congress of the United States is hereby fully declared and given to the proviso contained in the sixth section of the seventh article of the constitution of Ohio, and the northern boundary of said State, as therein described."

Mr. MORRIS said, in offering the amendment to the bill under consideration, I fear that, at the first view, it may seem to some Senators that I am seeking to make a distinction where no real difference exists; and that the amendment is uncalled for, and unnecessary to a correct decision of the question before us. I trust, however, that the Senate will carefully examine this amendment, and that they will cheerfully adopt it, if it is believed to contain matter essentially right, or if they shall be of opinion that by so doing, more general satisfaction will result from their decision, be that decision what it may. It is, I believe, a maxim that will hold universally good, that even justice, to be well received, must be well understood. And I believe that it is essentially necessary in this case, and that the people of Ohio would be much better satisfied, to understand the principles upon which their claim to the northern boundary of the State is determined, whether that determination be for or against them. I must, therefore, ask the indulgence of the Senate for a few moments, in which I shall endeavor to show the nature of the claim as advanced by Ohio, and the right and justice of that claim, and the necessity there is that we should understand distinctly the principles on which that claim is determined.

I feel that we appear before Congress on this subject in rather an embarrassed situation. We came to ask here what no State, I presume, has heretofore asked; we came as suitors to Congress, after our full admission into the Union as a sovereign State, for a recognition or assent of Congress to the provisions of our own constitution. And we came here as if Congress had the power to render that valid, or alter its provisions, which can receive no validity or alteration but from the hands of the citizens of the State. On this question, however, let it be understood that I speak for myself, and I should not probably have spoken at all, did I not believe that there existed amongst us here, I mean the Ohio delegation in Congress, a difference of opinion as to the nature of our claim, and the manner in which the power of Congress should be exercised over it. Let it be constantly borne in mind that Ohio, on this question, comes before Congress as a sovereign State; that she is not soliciting a favor, but demanding a right; that she claims to have the clear grant of the territory in dispute between her and Michigan, and appeals to Congress to withdraw the encumbrance they have cast over her title.

It will not be necessary for me, in the investigation of this subject, as I understand it, to look beyond the ordinance of the 13th of July, 1787. Congress, by virtue of that ordinance, acquired jurisdiction over the Northwestern Territory. The nature of that jurisdiction, where it arose, or how it came into existence, have been so often repeated here that it has become a beaten path, and well understood. It is sufficient for us to know that it existed, how it has been exercised, and if it has in any of its parts ceased to exist; and if the power of Congress under it has been spent, and can no longer be exercised, in what manner and in what particulars that has taken place.

It will be recollected in that ordinance there are a number of articles which are to be considered articles of compact between the original States and the people and States in the aforesaid Territory, and are to remain for ever unalterable, unless by common consent. It would be well that, in the first place, we determine for ourselves what construction we ought to give to the words "common consent," as contained and used in the ordinance, and to whom those words apply, and by whom this "common consent" can be given; for it seems to me that on a correct understanding of this part of the ordinance, and a proper application of these words as used, depends in a great degree, if not altogether, a proper construction of the articles which follow. These articles of compact are declared to be between the original States of the one part, and the people and States in the Northwestern Territory of the other part. I am of opinion that the words "the people and States," as used in the ordinance, are used as terms of equal import; the people, before the formation of the States, possessing the same power to give this common consent as the States could possibly have in their sovereign capacity. This common consent, then, I contend, is the consent of the people within the Territory, before the formation of any State therein; or the consent of any State when formed, together with that act of Congress; each State acting independently for itself, is the only consent required for the alteration of any of these six fundamental articles contained in the ordinance of '87. Such, I believe, has been, and still is, the opinion of all parties and conditions of men inhabiting any part of the Northwestern Territory; and, in support of this opinion, I beg leave to call the attention of the Senate to an act of the territorial Legislature, before the formation of any State northwest of the river Ohio, passed with a view of changing the boundaries of the three southern States as described in the ordinance, and declaring the assent of the people there inhabiting said territory, and asking the consent of Congress to the provisions of that act. No one at that time, or since, to my knowledge, has for a moment doubted that, if the consent of Congress had been thus obtained, the change would have taken place accordingly.

In illustration of this position, which I assume as correct, permit me to state a case in which it will appear in a more striking light. Suppose that Ohio, in the formation of her constitution, had provided that slavery, absolute and unconditional, should be allowed within the State, and had organized her Government under her constitution; had sent her members to Congress, and they had been permitted to take seats in that body without objection; I ask, could any man doubt that Ohio, in such case, would have been a slaveholding State? But such a provision would not have extended slavery a single step beyond her own limits. To my mind, then, it is clear that the common consent required by the ordinance, necessary to a change of any of the six articles appended thereto, is confined exclusively to any portion of people who are entitled to State Government, or the consent of any State, when formed, together with that of Congress; and, when consent is thus given, the change rightfully takes place, and needs not the approbation of any other State or sovereignty whatever. I am warranted and sustained in this opinion by the act of Congress in the admission of both Indiana and Illinois into the Union. The act to enable the people of Indiana Territory to form a constitution and State Government comes in direct contact with the preceding act of Congress establishing the Michigan Territory, and takes from that Territory a large tract of country lying north of a due east and west line drawn through the southerly extreme of Lake Michigan. And the act proposed to the people of Indiana, that, if they assented thereto, the line, as described in the ordinance of '87, should be thus changed. The convention of Indiana alone, without the consent or concurrence of the people of Michigan, or any other people or State, accepted of this Territory as a part of her jurisdiction; and thus, by this common consent of Indiana and Congress, has the ordinance of 1787 been changed in one of its fundamental articles; and the law establishing the Territory of Michigan been in part, at least, repealed or abrogated; and the same proceeding has been had in the case of Illinois, when the people of that State were admitted into the Union. It must clearly appear that the ordinance of 1787 has been changed; that it is competent for Congress, with the assent of that portion of the Territory northwest of the Ohio river, over which the power or act of Congress, in effecting such change, is to operate so to change it, without the approbation or consent of any other portion of the country. This ought not to be considered a settled question. The only remaining one is, has not such change been made with regard to the northern boundary of the State of Ohio? We contend that such is the fact.

It will not be forgotten that the proposition to change the northern boundary by extending north of an east and west line drawn through the southerly extreme of Lake Michigan, both the States of Indiana and Illinois, first came from Congress, and was accepted by the convention of both these States; and thus, by this acceptance of each State for itself, of the proposed alteration offered by Congress, the boundaries thereof became fixed and determined, and beyond the power of Congress to alter or change; for when this common consent is once given, the whole power is spent, and cannot be again exercised. A different mode was pursued with regard to Ohio, but in no way differing in principle from that afterwards pursued with regard to Indiana and Illinois. The proposition to change the northern boundary of the State of Ohio from that described in the ordinance, and the law of 1802, authorizing the people of Ohio to form a constitution and State Government, was first made by the convention of Ohio to Congress, and was one of the principal features in the constitution which Ohio presented, as evidence of her right to admission into the Union. The proposition did not contain any alternative, as was the case with regard to Indiana and Illinois, that if Congress did not assent to the line proposed by Ohio, then the State should be bounded by the line as described in the act of Congress, for the purpose of enabling the people to form a constitution, passed in 1802. No. Ohio offered no such conditions; her only proposition to Congress was, when fairly and justly considered, (and as she then intended and now insists it to be,) to come into the Union with a boundary, at all events, extending to the most northerly cape of the Miami bay; and the constitution of the State was presented to Congress as an entire instrument, to be understood and construed as intended by Ohio; in other words, Ohio, in presenting her constitution, said to Congress, this is the form of our Government, and the charter of our rights, with which no power on earth but that of our citizens has a right to interfere. We cannot, however, come into the Union without you admit us, nor can you compel us to change, alter, or modify this constitution. If you cannot consent to the alteration we propose as to our northern boundary, differing from that contained in your law of 1802, we retire. But on the terms of this constitution, we believe we ought to be admitted, and we ask your consent to the same, and to each and every part thereof; and on these terms it will be our highest ambition to become a faithful and deserving member of this Union. And without a single objection on the part of Congress was the State of Ohio admitted into the Union, as one of the sovereign States of this confederacy. Congress may admit new States into the Union, and, in the constitutional exercise of this power, may refuse such admission; but when a State is once admitted into the Union, the power of Congress to look into her constitution has ceased; and all the rights, as well territorial as politic, granted by it, are thus made permanent, or guarantied by Congress to the citizens of the State. This, I presume, will not be controverted, nor can it, I maintain, be denied that the admission of members of Congress from a State to seats in this body is to all intents and purposes the admission of such States into the Union. And it is to my mind equally clear that a State cannot be admitted into the Union by peicemeal; that one part of the constitution of a State can be assented to by Congress at one period, and that a further assent to another part will extend the jurisdiction or power of the State; and thus, until the whole instrument is agreed to by Congress; such an idea, it seems to me, is an absurdity in itself. Yet such would be the case with Ohio, if we are now under obligation to ask and obtain of Congress, as new matter, assent to any provision of our constitution, to render it valid. We contend that assent has been given to our boundary, as well as every other part of our constitution; and the right of our claim, I beg leave to illustrate by an individual case, and one which I presume would be sustained in a court of justice. Application is made by an individual for leasing a farm. The owner makes out his terms in writing, defining its boundary by lines to the cardinal points, and presents them to the applicant, who, after examination, accepts them with the following addition; but it is fully understood and declared, that if the boundaries you offer do not include the pasture field on the north side of the farm, then, and in that case, with your assent, the said field shall be included in this lease. The owner of the farm looks over the addition to the lease, and, without a single comment or objection, says to the applicant, go upon the farm. Reason, law, justice, and every honorable consideration, would bind the landlord to the terms offered by the tenant. Is not this in principle analogous to the case of Ohio? The terms of her admission into the Union, as to boundary, was matter of agreement between the people of that State and Congress, neither party within themselves having power to fix the boundaries of the State in the first instance; but the same was to be agreed by common consent, as declared in the ordinance of 1787. The proposition as to the boundaries of Ohio was first made by Congress to the people of Ohio, by the act of 1802. The answer of the convention was, we agree to the boundaries you propose, if the northern line will include the most northerly cape of the Miami bay; but it is understood and declared by us, that our northern boundary must be to that point. Our Senators and Representatives presented themselves to Congress with this condition in their hands, and were admitted to seats in Congress without a single objection. Is not this sufficient to satisfy every disinterested and impartial mind of the constitutional right of Ohio to the boundary she claims, as well as the right and justice of that claim? In this opinion of the nature and validity of the claim of Ohio, as asserted by the State, I feel that I am fully supported by the constant, uniform, and undivided opinion of all the public functionaries and transactions of the State, since the formation of the State Government. It is true, that soon after the admission of Ohio into the Union, a bill was reported to the Senate for the purpose of dividing the Indiana Territory into two separate Governments, containing a section declaring the assent of Congress to the 6th section, 7th article, of the constitution of Ohio, and was no doubt added to the bill at the instance of one of our Senators, [Mr. Worthington,] who was chairman of the committee who reported the same. And this section was stricken out before the bill passed the Senate. This circumstance has been urged as a denial, on the part of Congress, of their assent to the 6th section, 7th article, of the constitution of the State, and of the validity of our claim to the line we contend for. Before we admit the argument thus urged, it would be well for us to examine. Is not the reverse most probably the true state of the case? The constitution of Ohio had been presented to Congress. Is it not fairly and legitimately to be inferred that Congress believed that assent had been given to this provision of the constitution, so far as the State was concerned? And as no objection was made from any quarter whatever, it was unnecessary to retain this section in the bill, and more especially that Congress had no power over the constitution of Ohio, or any one of the States—and for these reasons the section was stricken out? The constitution of a State is the highest and most solemn act that can be performed by the people, and cannot be altered, abridged, revoked, or in any manner rendered void or inoperative, even in its most unimportant clauses, by any other power than that which created it. It is true, the admission of new States into the Union depends upon Congress. This Congress may do, or may refuse. And when a new State presents herself for admission, Congress may look into her constitution; and if any part thereof is exceptionable, as being incompatible with republican principles, or the nature and frame of our civil institutions, or for any other cause deemed just, such admission may be refused. There can be no doubt of the power of Congress in this instance; and the power must, in a good degree, be a discretionary power, depending on the judgment of Congress. But if delegates from a new State are admitted to seats in Congress, the power of that body to look into, or object to, any of the provisions of the constitution of such State no longer exists; but it becomes obligatory upon the United States to protect and defend such State in every provision of its consitution, as it respects its boundaries and jurisdiction, as well as its civil policy.

I believe the declaration in the constitution of Ohio, asking, apparently, the consent of Congress to one of its provisions, to be an anomaly, not contained in the constitution of any other State; but it will be remembered that Ohio was the first State of this Union formed exclusively of the territory of the United States; that there was no precedent in point to look to as a guide; that her citizens were few in number; and that close and critical examination of words and phrases was not then had that would have taken place if the country had been more fully settled. Yet, under all those circumstances, when they presented their constitution to Congress, and applied to be and were admitted into the Union, Congress rightfully judged that the instrument was of too sacred a character to be touched by that body in any of its parts; that the rights secured under it could not be garbled, and that it would be a mere act of supererogation for Congress to give any other or further consent to any of the provisions of the constitution than was given by the admission of the State into the Union. It is true the assent asked for would only be necessary to be given on the ascertainment of a fact not then known; but the power to give assent could as well be exercised before the fact was ascertained as afterwards. In this light has the question been viewed by the people of Ohio. They made no further application to Congress on this subject, but felt secure that the boundaries of the State would continue undisturbed, as described in the proviso of the constitution; and even the act of Congress of the 11th January, 1805, did not shake or alter their belief in the permanency of their boundaries. Yet, as the provision of that act, in describing the boundaries of the Michigan Territory, was believed to be within their chartered rights, they soon after called the attention of Congress to the subject.

In the year 1806 I first had the honor of a seat in the Ohio Legislature. No one then doubted the constitutional boundary of the State; no one thought of a provisional boundary, subject to the after control of Congress, or that any consent of Congress then given or withheld, without the consent of the State, could possibly make any alteration of the actual existing boundary. But as the country in the northwest part of the State was then unsettled, and its geographical situation not well understood, and as political movements of much importance were then taking place in the United States, the attention of the General Assembly was not turned to this subject during this session. But the next session the General Assembly took up the subject, and after expressing a belief that the due east and west line drawn through the southerly extreme of Lake Michigan would not intersect Lake Erie, or would intersect that lake east of the Miami river of the Lake, they therefore instructed their Senators and Representatives in Congress to obtain the passage of a law to ascertain and define the northern boundary of the State, and fix the same agreeably to the proviso contained in the sixth section and seventh article of the constitution. The succeeding session renewed the request, and also in the session of 1811. Congress in 1812 passed an act to authorize the President to ascertain and designate certain boundaries. This act was passed in pursuance of the repeated applications of the General Assembly of Ohio, but (the war intervening) was not carried into effect until 1816. In that year the President directed the Commissioner of the Land Office to authorize the Surveyor General to run and mark the northern boundary of Ohio. In pursuance of this authority, the Surveyor General directed Mr. William Harris to run and mark the line to which Ohio asserted jurisdiction, and contends is her true northern boundary. It may not be improper or useless to notice, but is worthy of remark, that this officer (the Surveyor General) had been president of the convention that formed the constitution of Ohio, he had been the first Governor of the State, and afterwards Senator in Congress. As a faithful public officer of the United States, (and that he was no one will doubt,) he was bound to carry into effect the instruction of the President; and, being fully acquainted with all the circumstances and public acts that had taken place with regard to the northern boundary of the State, he must have believed, and rightfully, that the act of Congress of the 11th January, 1815, creating the Michigan Territory, was unoperative, so far as the same should be found in contact with the constitution of Ohio, and that Congress had given the proper assent to a change in the northern boundary of the State from that described in the ordinance of '87, as well as in the act of 1802, and he directed Mr. Harris to run the line accordingly; and the line thus run was from the most northerly cape of the Miami bay, on a direct course, to the most southerly extreme of Lake Michigan. Governor Cass, of the Michigan Territory, soon after objected to the correctness of this line; and a correspondence took place between him and the Surveyor General on the subject. In a letter from the latter to the former, in 1817, he concludes with the following remarks: "By attending to the words 'with the assent of the Congress of the United States,' and calling to mind that Congress did assent by receiving the State into the Union upon the terms and conditions above expressed, I should suppose no doubt can arise relative to the true boundary." In December following Governor Worthington, (the same gentleman who had formerly been a member of the United States Senate from Ohio,) in his message to the General Assembly, declared that the northern boundary of the State had been lately ascertained, under the authority of the United States; and believing it important that the question should be settled with the least possible delay, and that the action of the General Assembly might be necessary to ascertain whether the line had been correctly run, he called their attention to the subject. The message was referred to a select committee, who reported a preamble and resolutions, which passed both houses, without a division, in the following January. In the preamble the committee declare "that the Congress of the United States fully assented to the proviso in the constitution of Ohio, by their acceptance of the State into the Union;" they therefore reported a resolution "that this General Assembly consider the line running from the most northerly cape of the Miami bay to the southerly extreme of Lake Michigan, until it shall intersect a line drawn due north from the mouth of the Great Miami river to the north boundary of the State, in that part which adjoins the Michigan Territory." Sir, permit me here to pause and ask the solemn question, how public compacts are to receive construction, action, and validity. We have seen what the compact was, the circumstances under which it was made, the parties to it; and I know of no better source to look for the manner in which it ought to be fulfilled than public opinion. It was that which laid the foundation of our Government, erected the superstructure, and constantly supports the whole edifice. Let us test, then, this compact by public opinion in Ohio, in the first place. The constitution of the State was formed when her territory contained less than fifty thousand inhabitants; and up to the present moment, when the same territory is teeming with nearly if not fully one and a half million, during all this time, and under every change of circumstances and men, there has been but one undivided, unbroken, opinion in the State on the question of her northern boundary; and that is, that the northern boundary of the State is established by the constitution, and is where the line has been lately re-marked by the authority of the Legislature. To this fact all the public functionaries of the State have borne ample testimony, as well as the united voice of her citizens. Can it be possible that any portion of the enlightened citizens of this country, acting in the sovereign character of a State, can, in a question of constitutional right, be mistaken, and that mistake persisted in for more than thirty years; or that more than a million of our citizens are so unjust that they ask an alteration in the boundaries of the State, and are willing it should be resolved into a question of mere political expediency? Sir, I cannot thus libel the people of Ohio; I cannot believe it.

In looking into the opinion of the Attorney General of the United States on this boundary question, I am not able to view it in any other light than as sustaining the views I have taken on the subject. He says, "It does not appear to me that the convention of Ohio did transcend their powers in proposing for the consideration of Congress the ultimate extension of the northern limits of the State in the manner suggested in the proviso. And as no express objection was made to any part of the constitution, I think it the sounder opinion, that by the admission of the State into the Union, the Congress of the United States assented to the proviso, as well as every part of that instrument. If the assent of Congress was necessary to the admission of Ohio into the Union, as it surely was, and if Congress assented to the proviso in the same manner as to every other part of the constitution, I think the sounder opinion, and the more safe one, to be that every part of the constitution is of equal validity. But the Attorney General thinks there is a difference between the assent of Congress, thus virtually given to the proviso, and its assent to the actual and present extension of the line as described in the proviso.

I confess I am not well able to understand this distinction, nor can I very well see how Congress could give an implied assent, without that assent becoming obligatory on the United States. The convention of Ohio never intended a provisional line, but a line in part, and that line at all events to be north of the mouth of the Miami river of the Lake. The Attorney General further remarks "that the unanimity with which the Executive and Legislature of Ohio have recently taken the contrary opinion may well admonish him who questions it to do so with great deference to their opinions, and with some distrust of his own." The Attorney General ought, however, to have remembered that this opinion, unanimously entertained by the Executive and Legislature of Ohio, is not of recent date, but has been entertained by every Executive, as well as the legislative body, in Ohio, since the formation of the State Government; and if unanimity of opinion in the one instance ought to create distrust of the correctness of a contrary opinion, this constant unanimity for more than thirty years, by different individuals who have filled the executive and legislative departments of Ohio, ought to be received as conclusive evidence of the correctness of that opinion. If it be possible to settle a question by force of public opinion—and that is the foundation on which this Government, her constitution and laws, must for ever rest—it seems to me that the third part of a century, the age allotted to man, is sufficiently long for that purpose. The Attorney General, however, endeavors to sustain his argument by a reference to the acts and proceedings of Congress subsequent to the admission of Ohio into the Union. I can only say that he seems to have mistaken the views of Ohio: so far as she was concerned or had any agency in the passage of those acts, in no instance has the State admitted, even impliedly, that her constitutional boundary did not extend to the line she now claims; but as doubts existed at what point that line would strike Lake Erie, when accurately run, application was made to Congress for the purpose of ascertaining that fact; and she has been as solicitous to obtain a settlement of the question as she was confident that the line that has been called the provisional line in her constitution was the true and proper boundary of the State. Thus it appears that we have not only had the unanimous opinion of the citizens and public functionaries of our own State, but the acts and proceedings of the public functionaries and officers of the general Government, constantly in favor of the constitutional boundary of Ohio, as that State now asserts it. And last, though not least, is the opinion of the first law officer of the Government, who admits that Congress did impliedly assent to this proviso in our constitution; and surely, if any act or proceeding of Congress was of such character that the State and people of Ohio could impliedly infer that such assent was given, then surely Congress is bound by every principle of justice and good faith to sustain the just belief and expectation of Ohio in reaffirming that assent, if there exists any doubt or dissatisfaction on the subject; and such most unfortunately and strangely is the case. We will now examine into the cause why it is so. In January, 1805, Congress passed the act establishing the Michigan Territory, and by the provisions of that act imprudently, if not unwittingly, extended the southern boundary of that Territory over the constitutional limits of Ohio; but I am strongly inclined to the opinion, though I cannot assert it as a fact, that the actual exercise of the authority of Michigan was not attempted within those limits until 1818, and after the authorities of Ohio had assessed a tax on the people living within that part of the State included in the Michigan Territory by the act of Congress before mentioned. After this took place, some of the inhabitants applied to the Governor of Michigan for commissioners or justices of the peace, and other officers, under the authority of that Government, which were readily granted; and thus commenced the jurisdiction of Michigan within the borders of Ohio. After the possession of the disputed territory was thus acquired by Michigan, under color at least of an act of Congress, the application of the military of Ohio would have been unjustifiable in regaining the possession at that time, and would be so still. Congress having cast over our boundary another title, and possession under that title being obtained whilst we slept, the President of the United States, who is bound to take care that the laws of Congress are faithfully executed, would have been required, by a faithful discharge of his duty, to have sustained the jurisdiction of Michigan against a military force, until Congress should have withdrawn the jurisdiction of that Territory beyond the boundaries of Ohio; and this is all that Ohio now wishes to be done.

The people of Ohio will not, I know they will not, endanger the peace and safety of the country by an attempt to prevent the operation of an act of Congress by force. They have already had too many evidences of the justice as well as the liberality of Congress to believe that this will ever be necessary. But this disposition on the part of Ohio, the forbearance of her citizens, will not, I hope, be construed into an abandonment of their rights, or a dulness in comprehending them. Let it be remembered that Ohio has claimed jurisdiction of the country in contest between the State and Michigan, as her undoubted right, being included in her constitutional limits: nothing short of a recognition of this principle will satisfy her people; and it would be an act of humiliation to the State to give to her territory to which she has not a constitutional right, as an act of law, of equity, or political expediency. Sir, there are situations and circumstances under which an honorable mind would recoil in accepting what is unquestionably his own. So with States and nations. The money due us from the French nation could be obtained from that Government by making acknowledgments for an act done, which was clearly proper; and does not every American heart spurn its reception on such terms? And that, too, for the plain and simple reason that it is our just due by compact, and justice and good faith require its payment. Suppose, sir, you give Ohio the boundary claimed by the State, on the score of political expediency, will it not be expected that Ohio, under this obligation, will, on the score of political expediency, be also bound to favor the political views at least of the donors, for this favor, thus gratuitously bestowed? It may be thought that the smallest return she could make would be to act with or for you in future elections, if it should be at the expense of her honor as well as constitutional rights. It will be an entire mistake if you expect to conciliate the favor of the people of Ohio by letting them know that their constitution gave them no such right, but that the same has been granted out of your abundant favor and good will, and as an act of grace. Sir, is not this the language you hold to Ohio, when you talk of political justice and expediency? Ohio, I am fully persuaded, will never so far humble herself as to acknowledge such a principle. It will probably not be insisted on that this bestowment is a mere act of political justice and expediency alone, but that you will give her the territory contained in her constitutional limits as matter of law. Pray, sir, what laws are to be yet enacted, or are already in force? I doubt the power of Congress, and I doubt the capability of my State, to receive any extension of her constitutional boundary, by the mere operation of any act of this Government. If the territory of a State can be enlarged by act of Congress, why, by virtue of the same power, cannot it be diminished? If such power is vested in Congress by virtue of the constitution of the United States, then indeed is State sovereignty a solemn mockery. The most that could be done in a case of this kind would be by an act of Congress, approved and ratified by a convention of the people of a State, elected for that purpose, with power to amend the constitution in this particular.

If Ohio is to rest upon existing law for the maintenance of her rights, we should be glad to know what particular law is relied on; if the constitution of Ohio is intended, we thank you for your justice, and would be gratified to have it so expressed; if you mean an act of Congress has given it us without our consent to such act, properly obtained, we are still at a misunderstanding.

But suppose Ohio obtains her claim as an act of sheer justice, we would be happy to know upon what principle this act is founded, or from what fountain it springs. Is it drawn from the power of Congress, or does it naturally flow from our rights? It is true we ask for nothing but justice—naked, simple justice; but we ask that not as an abstract principle, but as our undeniable right. It seems strange, at least to me, that we should feel so much disposed to assail the constitution of the State, and constantly looking after some principle by which we can, with some degree of plausibility, claim the honor of adding to Ohio a strip of territory, which we would make her citizens believe the constitution of the State had not secured to them; when, if we would look directly to that instrument, and make it the man of our choice, we would find it sufficient for our purpose, and there written all that we ask for. Ohio expects this of her own representatives here at least. But, suppose that, after all we have said and done on this subject, Ohio, with more than her million of inhabitants, has been and is still mistaken in this matter, that mistake has grown with her growth and strengthened with her strength; for the last General Assembly, with but one dissenting vote, resolved that the northern boundary of the State is by a direct line running from the southern extreme of Lake Michigan to the most northerly cape of the Miami bay, thence, northeast, to the territorial line. If it can for a moment be supposed that a mistake thus exists, it must, in the first instance, be imputed to a want of correct understanding in the people of Ohio as it respects their own constitution as to the extent and boundaries of the State; and that the legislative body is equally uninformed. I hope we are not prepared to offer this biting compliment to the intelligent citizens of that State, by giving them, as an act of political justice and expediency, that which they uniformly, and from the first, claimed as their constitutional right, but with which the acts of Congress have improvidently interfered. But if it was the intention of Congress as well as the people of Ohio that the northern boundary of the State should be where it is claimed on the part of Ohio, and if a mistake as to the actual fact existed in the passage of the act of Congress to enable the people to form a State Government, that mistake ought at once to be rectified, and Congress do that now which was originally intended to be done; and a declaratory act is all that is necessary on the subject; and there can be no question of expediency involved that ought to induce a different action. The east and west line, drawn through the southern extreme of Lake Michigan, never was in fact the northern boundary of Ohio; nor could it ever have been intended by Congress that the State should be cut off from Lake Erie at any point after her northern line had touched the border of that water, or that the jurisdiction of the State should not extend to the territorial line in the centre of that lake. Yet such would be the case; and a considerable portion of her territory in the northeast part of the State would be without its jurisdiction, and in fact without government or law of any kind, if the line contended for on the part of Michigan be in truth the northern boundary of Ohio. It is a well-settled principle, that compacts in part exist as the parties understood and intended at the time of making such contract, and are to be so carried into effect. This principle, I presume, will not be denied in any case. If we apply it to the Ohio boundary question, I can say, with much confidence, (though young at that time,) that not a single individual then in the boundary of the new State about to be formed by virtue of the act of Congress, 1802, would have accepted the provisions of that act, or formed a convention under it, had they not fully believed that the line contemplated by that act would not have intersected the territorial line at or near the mouth of the Detroit river; much less would they have been willing to accept the provisions of the act I have mentioned, with a knowledge that the line would be found where it actually is. Nor would a single citizen of Ohio be now found of a different opinion, was the question at this moment an original one. And I am equally clear in opinion that Congress would never have passed the act with the line as therein contained, and with a full knowledge that the new State about to be formed would, by the letter of that act, be excluded from the margin of the lake at any point after the intersection of that line with its waters, because such an act would be contrary to all former proceedings of Congress in their views with regard to new States. Suppose you pass the act in its present form, which imports on its face to be a mere gratuity on the part of Congress, and you place it on the ground of political justice and expediency, I should be glad to know what will prevent a future Congress from again reviewing this question, and at a time when it may be thought political justice and expediency requires its repeal? Are the boundaries of a sovereign State to depend on the fluctuating legislation of Congress? This doctrine of depending exclusively on an act of Congress for their boundary will not satisfy the people of Ohio; they will require something more permanent; and they will not cease in their endeavors until Congress withdraws all jurisdiction, foreign to their constitution and laws, north of a direct line drawn from the most southerly extreme of Lake Michigan to the most northerly cape of the Miami bay, and thus recognising the jurisdiction of the State under the provisions of their own constitution, and which they are fully satisfied no power on earth but themselves has any right to alter, abridge, or restrain in a single jot or tittle.

Mr. CLAYTON said that if it really was the object of the Senator who proposed this amendment to commit the Senate on the question of jurisdiction to the disputed territory, by declaring the title already perfected in the State, that of itself would constitute a sufficient objection to his proposition; and if the reasoning of the gentleman were deemed satisfactory by the Senate, and he had established the title of the State without the assent of Congress, the Senate would for that very cause send the State to the Judiciary for redress, and give her no legislative aid whatever. His argument, therefore, was an argument against the claim set up here by Ohio. But the gentleman's reasoning runs counter to his own proposition. His amendment asks of us to assent to the proviso in the constitution of his State, and the line proposed by that proviso, while his whole argument is, that our assent is unnecessary, and therefore improper. His motion is a complete surrender of all his own principles avowed here on this subject. He yields up, by the very act of asking us to adopt his amendment, the whole claim of Ohio, as founded on strict legal right, to the line she wishes, for he thus admits that our consent to that line is indispensable. He does more. He proposes, by his amendment, that we give our consent to the proviso to the 6th section of the 7th article of his State's constitution. This is conceding that we never have assented even to that proviso. Now, sir, I hold that we have assented to that proviso, and, if the committee had not thought so too, we should have reported against Ohio. Mr. C. then referred to the letter of the Attorney General to the President, dated 21st March last, and communicated to the Senate by the President in his message of the 9th of December, and read a passage from it to show the distinction then taken between the assent of Congress to the proviso, which merely proposes that the boundary in the bill shall become the boundary of Ohio, with the assent of Congress, on the ascertainment of a fact not formerly known to exist, and the assent of Congress to the boundary line itself depending on that fact. He held that Congress had adopted the whole constitution of Ohio, and consequently the proviso in question, which was a part of it. But Congress had never assented to the boundary in the bill, although he thought it now bound to give its assent to that, because it had assented to that proviso. The amendment, therefore, was improper, as it admitted that Congress had never assented to this proviso. If the Senate thought so, it would perhaps oppose the bill; at least the strongest argument for Ohio was thus swept away. He hoped the amendment would not prevail, and that the bill would pass to give Ohio her line on the true and only principle on which her claim could be rightfully sustained.

Mr. **EWING** said the bill gave to Ohio all that she asked for or desired; and, for his part, he was unwilling to press the question of legal right to the disputed territory, as it could do no possible good, and might very much embarrass the measure. He regretted that his colleague felt it his duty to delay the passage of the bill, or throw difficulties in its way, by urging his amendment.

Mr. **MORRIS** said he had offered the amendment under solemn convictions of duty, to carry out a principle in which he believed every citizen of Ohio was deeply interested, and which, he believed, would settle this difficulty, as it related to the people of Ohio.

Mr. M. asked for the yeas and nays on his amendment; which were ordered and taken; and his amendment was rejected by the following vote:

YEAS—Messrs. Morris, Niles, Wall--3.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Shepley, Southard, Tipton, Tomlinson, Walker, White, Wright--34.

The question being on the engrossment of the bill, on which the yeas and nays were ordered, the decision was as follows:

YEAS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Southard, Tallmadge, Tipton, Tomlinson, Walker, Wall, White —36.

NAYS—Messrs. Niles, Ruggles, Shepley--3.

So the bill was ordered to be engrossed and read a third time.

The Senate adjourned.

FRIDAY, MARCH 11.

MISSOURI LAND CLAIMS.

Mr. KING, of Alabama, presented the memorial of several individuals residing in Arkansas, remonstrating against the confirmation of the report of the commissioners appointed to settle and confirm claims to lands in Missouri, on the ground that they are entitled to lands confirmed to others by said report.

Mr. K. moved for the printing of the memorial, and its reference to the Committee on Private Land Claims.

Mr. LINN expressed his surprise at the presentation of the memorial to the Senate after such a lapse of time, and after the report of the commissioners, which was about to be acted on by Congress. The bill to confirm this report was in such a situation on the general orders that it would have been reached before this but for the protracted discussions which had occupied the Senate on important matters; and he intended to have moved to take it up to-day, but would be prevented from doing so by the understanding that a final action was to be had on the abolition memorial, which would most probably consume the remainder of the day. He could not give his assent that this memorial should interfere with the passage of a bill so important to those he represented; indeed, it ought not to have been presented to the Senate at all. It was the duty of these memorialists to have presented their claims, with the evidence in support of them, to the board of commissioners while in session, who would have given every attention to the subject that it merited. Their failure to pursue this plain and obvious course was certainly a good and sufficient reason why the Senate should not listen to their prayer.

Mr. KING, of Alabama, replied that he owed it to himself to say that he had no idea that there was any fault belonging to this memorial, or any reason why it should not be presented. It had been handed to him by the memorialists, who were residents of Arkansas, and consequently had no representative on that floor, with a request that he would present it. Had they been citizens of a State, he should certainly have sent them to their representative; but inasmuch as they had no representative in that body, he felt it his duty to comply with their request. They represented to him that they had offered to submit their claims, with the evidence, to the board of commissioners while in session, but were informed that that was not the proper time to receive them, and that when the time arrived they would have due notice of it. This notice, perhaps in consequence of the distance at which they lived from the place of sitting of the board, they never received. At all events, the commissioners adjourned without acting on their claims.

Mr. LINN said he had no intention of imputing blame to the Senator from Alabama for presenting the memorial; but he would observe that the memorialists had stated what was not the fact. He himself was a member of the board of commissioners, and knew that the memorialists made no application to be permitted to present testimony to rebut that before the commissioners, but wanted to have an argument by counsel. He had informed them that the commissioners would cheerfully receive all the testimony they might offer, together with a written argument, and give to them the most deliberate consideration; but that they would not waste time in listening for weeks to the arguments of counsel about a matter they wanted to close at once.

The petition was then referred, and ordered to be printed.

CUMBERLAND ROAD.

On motion of Mr. HENDRICKS, the Senate proceeded to the consideration, as in Committee of the Whole, of the bill making appropriations for the repairs and continuation of the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri; the question being on Mr. CRITTENDEN's motion to strike out those words in the bill declaring that the appropriation is made out of the two per cent. fund reserved for making roads in the above States.

Mr. **CLAY** suggested to Mr. Crittenden to withdraw his amendment, which was done; when Mr. C. offered an amendment making the appropriation for Indiana $250,000, and reducing the appropriation for Illinois to $150,000, so that the sum appropriated in the whole bill would be $600,000.

Mr. C. adverted to the amount of appropriations made in several preceding years, and stated that the largest amount appropriated to this road in any one year was $450,000, and the appropriation about to be made now was $150,000 more than that sum.

These amendments having been agreed to as in Committee of the Whole, the bill was reported to the Senate, and the question recurred in concurring with the amendments as agreed to in Committee of the Whole.

Mr. **BENTON** observed that the State of Missouri was as deeply interested in the bill as the States of Ohio and Indiana. His State, he said, was much dissatisfied with the slow progress made in carrying this road to the Mississippi. He was much surprised at the manner in which gentlemen had agreed to the reduction of these appropriations. He meant to record his vote in opposition to the retardation of the road towards the Mississippi; and on that question he called for the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. **PORTER** said that there was also considerable dissatisfaction among his constituents, but it was caused by very different views from those entertained by the constituents of the Senator from Missouri, [Mr. Benton.] They were in Louisiana against taking the public funds for this road, unless an appropriation was made in which all the States could participate. They of the Southwest were called upon to vote for an appropriation of $600,000 for a road in which they had an interest so weak as to be virtually no interest at all. The gentleman from Kentucky had said he would bring forward a motion to make the system of appropriation general throughout the United States. He was glad to hear it; and hoped he would do it now, as this was as good a time as any to do it. Voting upon the two per cent. fund was a mere delusion. He hoped the Senator from Kentucky [Mr. Clay] would oppose this bill now, unless it was made general.

Mr. **CLAY** said the question now before the Senate was only a question of reduction from a large to a smaller amount, and hoped the gentleman from Louisiana [Mr. Porter] would not vote against that. But when the question came to be taken upon the bill itself, perhaps it would be well enough, if the gentleman continued of the same mind, to vote against it.

Mr. **PORTER** said he was not so well acquainted with the rules as the gentleman from Kentucky, [Mr. Clay,] and had labored under a misapprehension; but if he had not confined himself to the question before the Senate, he had many illustrious examples before him.

Mr. **LINN** said: My friend from Louisiana, [Mr. Porter,] complains of a vote given some days since against an amendment offered to this bill by an honorable member from Mississippi, [Mr. Black,] which had for its object the making of a great road through the States of Alabama and Mississippi. The policy, expediency, or power of Congress to make such an appropriation for such an object was not, if I remember right, called in question on that occasion. The question was simply, will the Senate, by adopting this amendment, and others that would probably have been proposed, consent so to load the bill as ultimately to ensure its defeat; for if the amendment offered by the Senator from Mississippi had prevailed, my duty to my constituents would have obliged me to propose another having for its object an appropriation to make the road through the State of Missouri to its western boundary; other members, doubtless, would have felt themselves constrained to have pursued a similar course. It became apparent to every friend of this great national work, that this course would have ensured its certain defeat. Now, if the gentleman from Louisiana is anxious his constituents should enjoy a portion of the benefits of this road, all he has to do is to vote a continuance of this great highway through Missouri, Arkansas, and Louisiana, on to the Gulf of Mexico, in the course of which route it is or will be much wanted for military purposes, on account of our proximity to the Mexicans and the vast hordes of Indians thrown along our borders by the policy of the general Government.

Mr. **BENTON** observed that the question was now to concur in the amendments made as in Committee of the Whole. He did not concur in them. He had been laboring for years to get the annual appropriation for this road increased, that its progress might be accelerated, so as to arrive at the Mississippi within the time of those now living. Heretofore the money was not in the treasury to be spared to a sufficient amount to accomplish the object in view; but now that the treasury was full, there was no earthly reason why this great and necessary work should be delayed. The people of Missouri were becoming impatient on the subject, and he and his colleague had for years been receiving petitions and memorials of citizens, and resolves of their Legislature, earnestly asking for the completion of the road. They had been endeavoring to act on them, so as to carry these views into effect; and now that they thought themselves safe, and nearly at a successful termination of their labors, they found the appropriations reduced, by some arrangement of which he knew nothing; if there had been no arrangement, he mistook the signs evinced, and would take back his words.

The question was taken on concurring with the amendments offered by Mr. Clay, and made in committee, and decided in the affirmative: Yeas 29, nays 11, as follows:

Yeas—Messrs. Black, Brown, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, King of Alabama, King of Georgia, Knight, Leigh, McKean, Naudain, Niles, Porter, Prentiss, Robbins, Robinsion, Swift, Tipton, Tomlinson, Walker, Webster, White—29.

Nays—Messrs. Benton, Buchanan, Cuthbert, Hubbard, Linn, Morris, Ruggles, Shepley, Tallmadge, Wall, Wright—11.

The question on concurring in the remaining amendments made in committee, was taken, and carried in the affirmative.

Mr. **PORTER** here submitted an amendment, in substance the same as the one withdrawn by Mr. Crittenden, viz: striking out the words in the bill expressing that the appropriation was made out of the two per cent. fund reserved for making roads in the said States.

Mr. **PORTER** said he would, at all events, try the sense of the Senate by this motion. It had been admitted on all hands that this two per cent. fund had long ago been exhausted, and there seemed to imply an absurdity that the money was appropriated out of this fund.

Mr. **KING**, of Alabama, said that he had never admitted it.

Mr. **PORTER** and Mr. **KING** made some remarks in opposition to each other in relation to the exhaustion of the two per cent. fund.

Hr. **HENDRICKS** contended that the two per cent. fund would go far beyond the amount expended on this road in the State of Indiana. And as the gentleman from Alabama [Mr. King] had said the road east of Wheeling was made more for Kentucky and Tennessee than for Indiana, he could not see the object of this amendment, unless it was to make the bill less acceptable to some gentlemen on the grounds of the compact.

Mr. CLAY said, as there seemed to be some inaccuracy in the minds of the Senators on this subject, he would give a history of its origin and progress. He then went into a detailed estimate of the appropriations to the road and the two per cent. fund, for the purpose of showing that the fund was exhausted.

Mr. EWING, of Ohio, said the gentleman from Kentucky [Mr. CLAY] had fallen into the common error of jumbling all the States immediately interested in this road together, in making his application of the two per cent. fund. Mr. E. advanced some reasons to show that there should be a distinction made, and that a separate calculation should be made in reference to each State, which would show a very different result from that to which the Senator from Kentucky had arrived.

Mr. PORTER's amendment was then rejected by the following vote:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Goldsborough, Hill, Hubbard, King of Georgia, Knight, Leigh, McKean, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Webster—21.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, King of Alabama, Linn, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, Wright—22.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative: Yeas 27, nays 16, as follows:

YEAS—Messrs. Benton, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Knight, Linn, McKean, Morris, Nicholas, Niles, Robbins, Robinson, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright--27.

NAYS—Messrs. Black, Brown, Calhoun, Hill, Hubbard, King of Georgia, Leigh, Naudain, Porter, Prentiss, Preston, Ruggles, Shepley, Swift, Walker, White—16.

ABOLITION OF SLAVERY.

Mr. LEIGH rose and said that, in pursuance of the promise which he yesterday made to the Senate to move to resume the consideration of the abolition petition at the earliest moment that he should have decided what course his duty required him to pursue in regard to the amendment which he yesterday offered to the motion for rejection, he now moved that the Senate take up that subject.

The motion having been agreed to,

Mr. LEIGH withdrew the amendment offered by him yesterday; and the question recurred on Mr. BUCHANAN's motion that the prayer of the petition be rejected.

[The following is a copy of the petition:

To the Senate and House of Representatives of the United States:

The memorial of Caln Quarterly Meeting of the Religious Society of Friends, commonly called Quakers, respectfully represents: That, having long felt deep sympathy with that portion of the inhabitants of these United States which is held in bondage, and having no doubt that the happiness and interests, moral and pecuniary, of both master and slave, and our whole community, would be greatly promoted if the inestimable right to liberty was extended equally to all, we contemplate with extreme regret that the District of Columbia, over which you possess entire control, is acknowledged to be one of the greatest marts for the traffic in the persons of human beings in the known world, notwithstanding the principles of the constitution declare that all men have an unalienable right to the blessing of liberty.

We therefore earnestly desire that you will enact such laws as will secure the right of freedom to every human being residing within the constitutional jurisdiction of Congress, and prohibit every species of traffic in the persons of men, which is as inconsistent in principle and inhuman in practice as the foreign slave trade.

Signed by direction and on behalf of the aforesaid quarterly meeting, held in Lancaster county, Pennsylvania, the 19th of 11th month, 1835.

LINDLEY COATS, } *Clerks.*
ESTHER HAYES, }

The yeas and nays were ordered on the question of rejection.

Mr. McKEAN moved to amend the motion by striking out all after the word "that," (namely, the words "the prayer of the petition be rejected,") and inserting "it is inexpedient at this time to legislate on the subject of slavery in the District of Columbia."

On this question the yeas and nays were ordered, on his motion.

The question being taken, it was decided as follows:

YEAS—Messrs. Hendricks, McKean—2.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, Wright—37.

Mr. McKEAN moved to amend the motion by inserting between the first word "that" and the words "the prayer of the petition be rejected," the words "it is inexpedient to legislate on the subject of slavery in the District of Columbia, and that."

On this question he called for the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Ewing of Ohio, Hendricks, McKean—3.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing, of Illinois, Goldsborough, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, Moore, Niles, Nicholas, Preston, Porter, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, Wright—36.

The question being on the original motion of Mr. BUCHANAN, "that the prayer of the petition be rejected,"

Mr. McKEAN said that, in offering the amendments which he had proposed, he had discharged his conscience of an imperative duty. It had pleased the Senate to reject these amendments, and, as he was thus deprived of the power of making the motion more palatable, all that he could now do was to vote for the proposition of his colleague.

Mr. CALHOUN rose and said that, as the question was about to be put, he felt himself constrained to make a few remarks explanatory of the course he intended to pursue. He could not vote in favor of the motion now before the Senate. If the question of the rejection of this petition had been presented without connexion with the one which had been previously raised and discussed, the objection which he felt against the motion would not have existed; but it was impossible for him, after what had passed, to regard the present motion separately from the motion to receive. They in fact constituted but one question. It was avowed by the mover, while the question on receiving was pending, that he voted for the reception with the view of immediately moving the rejection. Regarding them, then, as constituting a single question, it was impossible for him, with the opinions he entertained, to give his support to the present motion.

The Senate has, by voting to receive this petition, on the ground on which the reception was placed, assumed the principle that we are bound to receive petitions to abolish slavery, whether in this District or the States; that is, to take jurisdiction of the question of abolishing slavery whenever and in whatever manner the abolitionists may think proper to present the question. He considered this decision pregnant with consequences of the most disastrous character. When and how they were to occur it was not for him to predict; but he could not be mistaken in the fact that there must follow a long train of evils. What, he would ask, must hereafter be the condition on this floor of the Senators from the slaveholding States? No one can expect that what has been done will arrest the progress of the abolitionists. Its effects must be the opposite, and instead of diminishing must greatly increase the number of the petitions. Under the decision of the Senate, we of the South are doomed to sit here and receive in silence, however outrageous or abusive in their language towards us and those whom we represent, the petitions of the incendiaries who are making war on our institutions. Nay, more, we are bound, without the power of resistance, to see the Senate, at the request of these incendiaries, whenever they think proper to petition, extend its jurisdiction on the subject of slavery over the States as well as this District. Thus deprived of all power of effectual resistance, can any thing be considered more hopeless and degrading than our situation; to sit here, year after year, session after session, hearing ourselves and our constituents vilified by thousands of incendiary publications in the form of petitions, of which the Senate, by its decision, is bound to take jurisdiction, and against which we must rise like culprits to defend ourselves, or permit them to go uncontradicted and unresisted? We must ultimately be not only degraded in our own estimation and that of the world, but be exhausted and worn out in such a contest.

Whatever may be the feelings of others, he, for one, if he stood alone, would not give his countenance to so dangerous an assumption of jurisdiction in any manner or form whatever. To vote for the motion now pending would, in his opinion, give such countenance; and, if he had no other reason, would prevent him from giving it his support.

But he had other reasons. In his view of the subject, the vote to receive gave a fatal stab to the rights of the people of the slaveholding States, as far as it could be given here; and the present motion was vainly intended to pour a healing balm into the wound. So far from doing good, it can but do mischief. It can have no influence whatever in stopping the mischief at the North, while it is calculated to throw the South off its guard. Thus viewed, he was compelled to say that the very worst possible direction has been given to the subject, as far as we were concerned, and that in voting for the present motion we would increase rather than diminish the mischief. What the votes of Senators from other quarters would not be able to effect standing alone, to create a false security among those we represent, might be effected with the aid of ours.

Entertaining these views, it was impossible for him to vote for the motion. But could he vote against it? No. It would put him in a false position, which he did not choose to assume. With these alternatives there was but one course left for him to pursue, consistently with his sense of duty—to abstain from all participation in the further progress of this question.

Mr. KNIGHT said: The vote that I shall give on this question may be different from the vote of many of my friends here, and probably variant from the expectations of some of my constituents. I will therefore state one reason, and one only, that governs me in the vote I shall give. The petitioners pray for two things in their memorial: one the abolition of slavery; and the other a suppression of the slave trade in the District of Columbia. Now, sir, believing as I do that there is a slave trade carried on in this District which I believe improper, unjust, and inhuman, and ought to be suppressed, and, were it examined and brought to light, would not be justified by any Senator on this floor, I cannot vote to reject the petition. I would have preferred its reference to a committee, and to have this slave trade inquired into, and the facts reported to the Senate; but as no Senator has moved its reference, I will not at this stage of the business make the motion, but will content myself with voting against the motion of the Senator from Pennsylvania, which is, to reject the prayer of the petition.

Mr. PRESTON said: No one, Mr. President, deplores more than I do the fact that the Senate has taken jurisdiction of these petitions, so far as to receive them. I opposed the reception of them as strenuously and as zealously and as perseveringly as I could; and I endeavored to warn the Senate of the disastrous consequence which might result from giving even thus much countenance to the petitioners. I was overruled; and it is a matter of additional regret that I was overruled by the vote of one half of the representation of my own section and interests. I am sorry, sir, that the Senate has received these petitions; but, having done so, what is now my duty? On this question I do not hesitate. I wished the strongest action against the abolitionists. Failing in that, I shall go for the next strongest. I might conceive a case in which the Senate could adopt or discuss a course of action upon this subject that would make it my duty not to participate in its councils; and if such a case should occur, I will withdraw myself from the body, and take advice of my constituents. But as long as I remain a member of this body, I shall feel myself specially called upon to give my most anxious attention to the progress of its deliberations upon these petitions. I shall continue to warn gentlemen of the dangerous ground upon which they are adventuring. I shall continue to proclaim the duties of this Government and the rights of my constituents. I will let it be known by my declarations, and by the record of my votes, that I have endeavored, to the last, to give such shape to your proceedings as to avert, as far as practicable, the calamities with which I deeply fear the agitation of these questions is pregnant. I vote for the rejection of the prayer of these petitions, as the strongest expression of disapprobation now left to us to give to them.

Mr. DAVIS, of Massachusetts, said he had been a silent but he hoped not inattentive listener to the debate. It had been his purpose not to engage in it, if his votes could be made intelligible without. He had, however, last evening felt the necessity of some explanation, and had resolved to make it this morning; but, suffering as he then was under indisposition, he could not venture upon the task further than to state, in as few words as possible, the principles upon which he should record his vote on the question now to be taken.

This question is now considered momentous, but, in his humble opinion, it had acquired an importance in this place which it did not deserve. The subject had called to its investigation the talents, wisdom, and singular eloquence, of this enlightened and distinguished body. The fervid animation which had pervaded the debate had kindled a zeal, an ardor, in the minds of the gentlemen, until the subject had been wrought up into its present apparently grave and important character.

But he would call the attention of the Senate back for a moment to the proposition actually before it. And what was it? A few persons, represented as humble but respectable individuals of the religious sect called Friends, had presented here their petition, in unobjectionable language, requesting Congress to inquire into the propriety of abolishing slavery—where? Yes, where? Not in the States of this Union; they have not invited a consideration of that matter, nor alluded to it; they have nowhere touched that disturbing topic, or claimed any right for this Government to interfere with it; but they ask you to turn your eyes upon this District of Columbia—this ten miles square—over which you exercise exclusive legislative power; and here, in this place, and in this place alone, to do two things: to abolish slavery, and to suppress the slave trade. This was all. And yet it seemed to him as if, through the whole debate, the subject had been argued and the petition treated as if it demanded the abolition of slavery in the several States, by an act of this Government. It was this, and this alone, which drew to it the all-absorbing interest which appeared to pervade some minds. How had this petition, thus limited in its objects, been treated? The petitioners were met at the door with a proposition to shut it in their face, and to forbid their entrance. A great and strenuous effort was made, and, I doubt not, with sincerity of purpose, believing it to be useful, to repel them, to send them away with a stern denial of their right to address this body. The debate had been long, ardent, and imposing, and, at its termination yesterday, a vote was taken which overruled the motion to reject, and the petition is now rightfully brought into the custody of the Senate. This vote seemed to decide that it contained matter suitable for this place, and proper to be here considered. The question then arose, what was to be done with it? The Senator from Pennsylvania, [Mr. BUCHANAN,] his worthy friend, had, in an early stage of the proceedings, intimated his purpose of moving to reject the prayer of the petition; in other words, that the Senate would not legislate upon the abolition of slavery, or the suppression or modification of the slave trade in the District of Columbia. He gave the honorable Senator all credit for the ability with which he had sustained the motion, for the purity of purpose which had induced him to offer it, and for sincerity, when he had repeatedly declared his object to be to restore peace and harmony, by discountenancing such petitions. If he concurred in that opinion, if he thought that would be the consequence, he would cheerfully give the measure his support. But, after considering the matter, with an anxious and sincere desire to co-operate with the mover, he was obliged, in the conscientious discharge of his duty, to separate from him; and he had risen to state his reasons for doing so, and it should be only a simple statement. The first motion was out of the usual course of legislation. It was a sudden, prompt denial of a right to appear, and seemed designed rather to deter than to conciliate the petitioners. The second was alike unusual; for, while it admitted the right to appear, it denied the right to a deliberate hearing, and differs more in form than in substance.

The Senator from South Carolina [Mr. CALHOUN] had just informed us that the slaveholders entertained the opinion that Congress had no constitutional power to touch slavery in the District of Columbia. It would be folly for him (Mr. D.) to attempt to disguise the fact that a vast majority of the people of the free States entertain exactly the opposite opinion. He did not remember to have heard this doctrine advanced before this debate, either here or elsewhere, although petitions had been sent here at every session, and sometimes debate had arisen upon them. What, he would ask, was the fair interpretation of the vote taken here yesterday, by which this petition was received by an overwhelming majority? Was it not declaring that it contained matter fit for the consideration of Congress? Would not the petitioners and the public understand by that vote that slavery here and in the States, in the judgment of the Senate, stands on a different footing in regard to Congress? That the Senate had agreed to act on the subject by considering it, because it had constitutional power so to do? It was not a direct decision of that question, but it was so by implication.

In view of this state of public opinion as to constitutional power, and of this decision made here, he had endeavored to think, with the Senator from Pennsylvania, that his motion was judicious, and would accomplish his purpose of tranquillizing public sentiment; but, when he saw this great and uniform current of public opinion on the question of right, he thought there should be some urgent emergency to justify a refusal to consider the subject, and to let it pass through the usual forms of deliberation. The measure was characterized here as it would be elsewhere. It had been said and reiterated on this floor, "let us receive the petition, and then treat it with the contempt it deserves, by an instant rejection of the prayer." What was he to understand by this? He made the inquiry in no invidious or reproachful sense, for he believed gentlemen uttered the sentiments in their minds, and gave to the measure the character which they conceived belonged to it. But what was he to understand? Just what the public would understand: that there was a purpose of rejection without deliberation; that, from this decision, petitioners might consider it hopeless to come here, because they would understand the determination of this body as inexorable, both in regard to abolition and the traffic in slaves in this District as a market.

He was not prepared to embrace this broad proposition, for it combined too many grave matters; nor did he like it in other respects, as it seemed to him to be designed only for extraordinary cases. It was like rejecting a bill on its second reading, which he had never known done but once, and then because it was deemed vexatious; and he at that time thought it a harsh, inexpedient measure, characterized rather by resentment than deliberation. Every thing had conspired to convince him that, if the Senate would give power and efficacy to their vote, if they would satisfy a reasoning public of their wisdom and prudence, they must do it by showing that public that they had treated the subject calmly, dispassionately, and with reference to the whole country. Why, he asked, do you have standing committees? Why a rule that all subjects—yes, all subjects—shall be referred to them? Why do you require these committees to examine and report upon the matters intrusted to them? Why have a rule which requires each and every bill to be read on three different days before it can be passed? It is to secure deliberation; it is that this body may be what it is called—a deliberative body, acting in the great matters confided to it with a calm consideration which ought to secure public confidence and respect. In his opinion, this subject, which had been wrought up into one of exciting magnitude, demanded cool, dispassionate consideration, and ought to have taken the usual course of other matters. He would have moved the commitment of the petition to the Committee for the District of Columbia, but there was little hope of carrying it, and he was, besides, unwilling to embarrass the motion of the Senator from Pennsylvania, which he seemed to have much at heart.

He had spoken of this petition as if it stood forth here like the other business before them, having supporters to press it forward; but this motion to reject was a voluntary motion; yes, a voluntary motion. And what, he asked, do I mean by that? He meant that no one had risen here, or in the other House, to advocate the prayer of the petitioners; no one had asked for any legislative measure tending to that effect. The utmost that had been done with any petition on the subject was to move its reference to the committee to which such papers have usually gone, and to desire its fair consideration. This fact had not passed unobserved in this debate of three months, for it had been often remarked on this floor, by those who had addressed the Senate, that but one opinion prevailed in Congress as to the expediency of attempting to legislate at this time, and but one opinion as to the rights secured to the States by the constitution. Not satisfied with this extraordinary unanimity, this high proof of forbearance and conciliation, this motion is pressed upon the Senate, to be sent forth as a kind of inexorable determination. In his judgment, it was voluntary, because uncalled for and unnecessary; indeed, it would fail to produce the harmony and secure the influence upon public sentiment which its friends appeared so anxiously to look for. Every man must, on questions here, be guided by his own judgment, his own sense of public duty, and obligation to the constitution and the people. He had considered this matter with anxious attention, and had observed what was passing here and elsewhere, and candor called on him to avow that he saw no where any cause for the great alarm and excitement which pervaded some minds in regard to the safety of the Union. In this he concurred with the Senator from Kentucky, [Mr. CLAY.] Neither the petition on which the debate had arisen, nor any other that he had seen, proposed directly or indirectly to disturb the Union, unless the abolition of slavery in this District, or the suppression or regulation of the slave trade within it, would have that effect. For himself, Mr. D. believed no purpose could be further than this from the minds of the petitioners. He could not determine what thoughts or motives might be in the minds of men, but he judged by what was revealed; and he could not persuade himself that these petitioners were not attached to the Union, and that they had (as had been suggested) any ulterior purpose of making this District the headquarters of future operation—the strong-hold of anti-slavery—the stepping-stone to an attack upon the constitutional rights of the South. He was obliged to repudiate these inferences as unjust, for he had seen no proof to sustain them in any of the petitions that had come here. The petitioners entertained opinions coincident with their fellow-citizens as to the power of Congress to legislate in regard to slavery in this District; and being desirous that slavery should cease here, if it could be abolished upon just principles; and, if not, that the traffic carried on here from other quarters should be suppressed or regulated, they came here to ask Congress to investigate the matter. This was all; and he could see no evidence in it of a clandestine purpose to disregard the constitution or to disturb the Union.

On the whole, he had determined to vote steadily against propositions hostile to a commitment of the petition, having indulged the hope that such a result might possibly be attained, and believing, as he did, that its effect upon the public mind would be far more efficacious and salutary than a hasty rejection of the prayer as soon as the petition enters this chamber, as proposed by my friend from Pennsylvania.

Mr. **WALKER** stated that he had voted for the motion not to receive the petition; but as that motion, which was the strongest, had failed, he should feel himself bound to vote for that which was the next strongest proposition, which he considered to be the motion to reject the prayer of the petition. If he had felt it his duty to avoid a participation in the vote, as the Senator from South Carolina had done, he would have retired from the Senate altogether, and left it to those he represented to pass judgment upon his conduct. But if, by the absence of his vote, a measure hostile to the views or interests of his constituents should at any time be carried, he felt that, in such a case, a severe responsibility would rest upon him. He should, therefore, give his vote in favor of the motion.

The question was then taken on the motion to reject the prayer of the petition, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, McKean, Moore, Nicholas, Niles, Porter, Preston, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, Wright—34.

NAYS—Messrs. Davis, Hendricks, Knight, Prentiss, Swift, Webster—6.

So the prayer of the petition was rejected.

After this decision, Mr. **WEBSTER** gave notice that he had in his hand several similar petitions, which he had forborne to present till this from Pennsylvania should be disposed of, and that he should now, on an early occasion, present them, and move to dispose of them in the way in which it had been his opinion from the first that all such petitions should have been treated; that is, to refer them to the committee for inquiry and consideration.

On motion of Mr. **CLAY**, the Senate proceeded to the consideration of executive business;

After which, the Senate adjourned to Monday.

MONDAY, MARCH 14.

Mr. **LEIGH** presented the credentials of W. C. RIVES, elected a Senator from Virginia, in the room of JOHN TYLER, resigned.

Mr. RIVES was then qualified, and took his seat.

LAND BILL.

Mr. **EWING**, of Ohio, moved that the Senate proceed to consider the bill to appropriate for a limited time the proceeds of the public lands, &c.

Mr. **BUCHANAN** expressed a hope that the motion would not be pressed, but that the Senate would proceed to the consideration of executive business, which had been so long delayed.

Mr. **EWING** suggested that it had been considered best to postpone the executive business until the Senate should be full. Some Senators were now indisposed, and in a few days it would be more likely to be full.

Mr. **WALL** stated that he should be obliged to quit the city to-morrow on indispensable business.

Mr. **EWING** and Mr. **CALHOUN** advocated the taking up of the land bill, as a subject of very great importance; and Mr. **EWING** called for the yeas and nays, which were ordered, on his motion.

The question was taken, after some opposition from Mr. BENTON, and decided as follows:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster—20.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

The Senate then receded from their amendments to the bill to provide for the payment of the volunteer and militia corps in Florida.

Mr. **PRENTISS** offered the following resolution; which was agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into expediency of directing the Secretary of War to allow and pay to the heirs of Richardson Anderson, deceased, late a pensioner on the revolutionary invalid pension roll, the amount of the said Richardson's invalid pension, from the 3d day of March, 1826, to the 31st day of May, 1830, during which time the said pension was withheld or discontinued, in consequence of the said Richardson's taking the benefit of the act for the relief of certain surviving officers and soldiers of the army of the Revolution, passed May 15, 1828.

The bill for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, was read a third time and passed.

On motion of Mr. BUCHANAN, the Senate proceeded to the consideration of executive business; and, after remaining for some time with closed doors,

The Senate adjourned.

TUESDAY, MARCH 15.

LAND BILL.

Mr. EWING, of Ohio, moved the Senate to take up the bill to authorize the distribution of the proceeds of the public lands, &c.

Mr. BUCHANAN expressed a hope that the Senate would proceed to the consideration of executive business.

Mr. EWING called for the yeas and nays on the question; which were ordered; and, after a few words from Mr. BENTON, Mr. EWING, and Mr. BLACK, the question was taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—23.

So the Senate determined to take up the bill.

Mr. EWING, of Ohio, then rose and addressed the Chair as follows:

Mr. President: This bill, which has already several times passed this body, and which was once carried in the other branch of the national Legislature, is so familiar to all here that it is hardly necessary to present an analysis of its provisions. Some amendments, indeed, have been proposed by the Committee on Public Lands; but those amendments are not at all vital to the bill; they merely modify in some measure its provisions; they propose to strike out some matters which seem incongruous, or out of place here; but there is no one of those amendments which the committee would not be willing to yield, if the bill, in its original shape, be more acceptable to the Senate. The leading provisions which remain are these: 1st. That there be granted to each of the new States, to be applied to the purposes of internal improvement, so much land as, with that already granted for the same purpose, will make to each State at least 500,000 acres. 2d. That there be granted to each of the said new States, Ohio, Indiana, Illinois, Missouri, Mississippi, Louisiana, and Alabama, ten per cent. on the nett proceeds of the sales of the public lands within its limits since the 31st day of December, 1832, to be applied to the purposes of internal improvements within the respective States; and, lastly and chiefly, that the whole residue of the nett proceeds of the sales of the public lands since that day shall be divided among all the States, according to their respective federal representative population, as ascertained by the last census, to be applied by the Legislatures of the States to such objects as they shall designate and authorize.

This bill, Mr. President, ought not to be looked upon as a party measure; nor should it, nor, I trust, will it, be agitated or decided as a party question. It is a great national measure; one in which the whole Union is interested deeply; one which the general good imperatively demands; and it is one which has been heretofore considered and sustained as a national measure by men of both political parties, even in times of high party excitement. In turning to the yeas and nays, as recorded in the journals of the Senate in 1832, I find in the affirmative, on the final passage of this bill, Dudley, of New York, Dickerson, of New Jersey, (now a member of the cabinet,) and Dallas and Wilkins, of Pennsylvania; all devoted friends of the President, but who, in this instance at least, if party were at all involved in the question, showed that they loved their country better than their party. But the state of things has changed since this bill was then before the Senate. The reasons for its passage, all that then existed, still remain in full vigor; all the leading objections to it have ceased to exist; and other reasons, most imperative in their nature, seem to demand of us its adoption. Those who opposed it then may, with perfect consistency, support it now. Not only so; they may, and those who view it aright will, as I think, feel constrained, by a sense of what is due to the welfare and prosperity of our common country, to sustain it, and press it onward to a successful termination. The public debt is now paid; the tariff is adjusted on terms which no one will think fit to disturb; and there has accumulated in the national treasury a very large amount of money beyond what is requisite for the wants of the Government. This amount continues and must continue rapidly to accumulate. We have for it no safe depository. It is scattered about among the banks in the several States, who give no pledge for its repayment, and pay no interest for its use. This surplus, now nominally in the treasury, but really scattered among these deposite banks, is large—very large; according to the report of the Secretary of the Treasury made to the Senate a short time since, it amounted on the 1st of February last to $28,239,744 61, exclusive of considerable sums also in deposite in these banks to the credit of disbursing officers, but which had not been expended; the whole sum amounted to $30,678,879 91. This sum cannot be touched or lessened by any of the expenditures of the present year; on the contrary, it must continue to increase. There is one item, and a large one, which will soon, I presume, be added to it; I mean the stock which we held in the late Bank of the United States. That bank has ceased to exist as a national institution. Its stockholders, all except the United States, have been incorporated by one of the States as a State bank. It is now right and proper that our connexion with it should be dissolved, for the United States ought not to be a stockholder in any of the State institutions. This bank stock, amounting to $7,000,000, will, if present prices be maintained, sell for at least seven and a half—more probably eight millions; but if we estimate the receipts from it at seven and a half, it gives, added to the present sum in the treasury, $38,178,879 91 of present means on hand, or which must be on hand in the course of the summer. And this surplus must continue to increase; for the receipts of the current year will very much exceed all the expenditures which can be made beneficially to the country under the appropriations of the present session. The receipts from customs for the year 1836 may be safely estimated as equalling those of 1835. Indeed, the receipts for January of this year have very much exceeded those for the corresponding month of the last. But that I may not place it too high, I set it down at the same; that is, in round numbers, $19,000,000. The receipts from public lands will much exceed those of the past year. The lowest estimate which can be made, with a due regard to facts already in our possession, from that source is $20,000,000, making $39,000,000 for the receipts of the year 1836. This, added to the sum now in the treasury, and the bank stock which will fall in during the present year, make an aggregate, in round numbers, of $77,000,000. Out of this sum are to be paid all the expenses of the current year, which are estimated by the Secretary of the Treasury at $23,133,640, including all expenditures, ordinary and extraordinary; and a pretty good round sum it is for an economical Government. Dropping the fractions, as I have done in my estimate of receipts, and deducting the $23,000,000, which the Secretary says will be wanted for all the purposes of Government, ordinary and extraordinary, during the year 1836, we have a balance on the 1st of January, 1837, of about $54,000,000.

These estimates, it is true, differ very materially from those of the Secretary of the Treasury, so far as relates to receipts, but not as to expenditures; for in that I take his estimate as accurate. As to the receipts, he is not to be implicitly relied on. Ever since the surplus began to accumulate in the treasury, he has kept it as far down as possible, on paper, by very low estimates. In his report of the 3d of December, 1834, on the state of the finances, he estimates the receipts into the treasury for the year 1835, from all sources, at $20,000,000, viz:

From customs, - - - -	$16,000,000
From public lands, - - -	3,500,000
Bank dividends and miscellaneous receipts,	500,000
	$20,000,000

This estimate will be found in Doc. No. 2. of the last year, page 4. In this instance he has erred more than fifteen millions of dollars; the actual receipts for that year having been, in fact, nearly as follows: I cannot give it exactly, not having yet received full and exact returns:

Customs, - - - - -	$19,324,547
Lands, - - - - -	15,200,000
Other sources, - - - -	736,991
Making, in all, - -	$35,261,538

In his report, made to Congress at the commencement of the present session, he gives us the receipts for the first three quarters of the year 1835 at $20,480,881 07; and he estimates all the receipts, from all sources, for the last quarter of the same year, at $4,950,000. This report was presented on the 8th December, 1835, when all but twenty-three days of that quarter had expired. Yet, strange to tell, that estimate falls short of the true amount by more than $6,800,000; the whole receipts for that quarter, instead of $4,950,000, actually amount to $11,780,000. These great and repeated errors look bad upon the face of them. One would be half inclined to suspect that this officer, who has the custody of the money of the people, was willing to conceal from them, as long as possible, the actual amount in his hands, or which, in the regular course of things, was coming into his hands. At the time he made his estimate of a little less than five millions, for the last quarter of 1835, about eight millions must have been actually received by his subordinates in the custom-houses and land offices; and he must, in the regular course of business in his Department—either he personally, or the heads of his several bureaux—have been informed, officially or unofficially, of receipts for such part of that quarter, to an amount considerably exceeding that at which he estimated the receipts of the whole quarter. I do not say that he had this information personally; for, if he had, his personal veracity would have been implicated in withholding it; and his statement, although it purported to be but an estimate, must have conformed to the fact as far as it was actually ascertained. But what I do say is, that he might have known it if he pleased; and if he had been anxious to give a full and fair view to Congress and the nation of what was received, and what would be received, into the treasury within the year, he would have had it. If the party to which he is attached would, in his opinion, have obtained any advantage by a show of larger receipts for that year, can any one doubt that he would have had more exact information of the receipts for the first two months of the last quarter, and that his estimate for that quarter would have been larger? My belief is that it would.

Included in the thirty millions now in the deposite banks to the credit of the Treasury and the disbursing officers, is the eight millions of unexpended balances of old appropriations, as shown in the report of the Secretary of the Treasury of the 8th December, 1835. I include this sum, because I look upon it as a permanent residuum, which will always be found in the treasury at the end of each year, never to be much lessened, but generally increased in amount. In looking at the means of the treasury to effect any object in the present or any future year, this should be taken into the account. It is not necessary or proper that this amount should remain idle in the treasury, or worse than idle in the deposite banks, to be lent out by them on interest, or used as the basis of a large paper issue. It was settled, I think, some fifteen years ago, in solemn debate in the House of Representatives—a debate in which Mr. Lowndes bore a conspicuous part—that the unexpended balance of appropriations for former years might and ought to be, to a considerable extent, considered as a constant fund, to be applied to the purposes of Government. It is true this might not be the case if we were about to settle up and quit, or if administration were taken out on the affairs of the nation, and the estate were to be finally adjusted. In that state of things, the objection of the Senator from Maine [Mr. Shepley] would apply. But, until that takes place, this fund, with the rest, is properly available, and subject to appropriation. It is, in fact, doing as the Senator from Missouri [Mr. Benton] very justly said the other day we might do—anticipate, in the appropriations for any year, one quarter's receipts of the next succeeding year. This, indeed, has been constantly done heretofore, as I believe. I have looked back no further than 1832, where I find the estimates of the Secretary of the Treasury, for the then coming year, include $5,231,094 of the unexpended balance of former appropriations; to this I heard of no objections. Whether any were urged to it, or not, I cannot say. If there were any, they were not founded in justice, or in a comprehensive knowledge of financial operations.

In estimating the customs of the year 1836 by the receipts of 1835, I am conscious they are set too low. The receipts for this year, thus far, in the port of New York, do, I am informed, very much exceed those of last year for the same period. That excess will probably continue during the year, if the causes which have given rise to it be not checked in their action. It springs in part, and, as I think, principally, from the immense paper circulation which the deposite banks are enabled to throw out, founded on the deposite of thirty millions of the public money in their vaults. They deal on the public treasure as a fixed capital.

The estimate of the Secretary of the Treasury of the receipts for lands in the year 1836 differs very widely from my own. He fixes it at four millions. Was that his real opinion? Did he seriously believe, after the experience which he had of the past year, that it would not exceed that amount? His estimate from the same source for

1835, it will be recollected, was $3,500,000; while the receipts do, in fact, amount to about $15,200,000. I have not got the returns exactly for 1835, but, so far as received, they amount to $14,719,239 21; and the table sent me from the General Land Office, showing the result, is accompanied with a slip stating that the sales in those offices in which the returns have not been rendered will exceed $500,000.* If it amount to that sum, the aggregate for the year will be $15,219,239 21.

The Secretary of the Treasury has, as I before remarked, estimated the receipts for lands in the present year (1836) at $4,000,000. Now I, for one, can see no reason why those proceeds should have been estimated so much lower for this year than what it was known they had produced, or must produce, for the last. The reasons urged in the report of the Secretary are, in my opinion, wholly inconclusive. Accident, it is true, may check these sales; a great commercial or financial catastrophe may check, and, indeed, almost stop, the entries of public land; but unless such catastrophe do take place, or unless there be an extraordinary pressure in the money market, it is likely that the sales will go on as heretofore; for the same causes which produced the great purchases in 1835 are still in full and even increased activity. So far as we have facts to aid us in estimates like this, which must necessarily rest partly on conjecture, they are of the first importance; they are a safe guide, so far as they go; and, when we must necessarily quit them, they give a just direction to our further progress. We are now something more than two months advanced in the year 1836; I have received, through the proper channel, information of the sales in many of the offices for the first month of that year, and, by comparing those sales with the amount of sales in the same offices for January, 1835, and carrying out the proportion, we can, it would seem, arrive at a tolerably fair conjectural estimate of the products of the lands for the whole of the present year.

I have before me a table made out, pursuant to my instructions, at the General Land Office, which presents, in corresponding columns, all the receipts for public lands, in the several land offices, for January, 1835, and all the receipts for January, 1836, so far as heard from. The Secretary of the Senate has caused to be prepared for me, from that table, another, having in the column for January, 1835, those offices only which had been heard from for January, 1836. This table shows the extraordinary fact that the same offices, twenty-seven in number, which produced, in January, 1835, but $333,949 34, have produced, in January, 1836, $841,066 18. From this it would appear that, if the sales at all the offices increase in the same proportion, and if that proportion continue for the whole year, the sales will amount to $38,221,928.† This is nearly double my estimate. There is, however, one other fact, and an important one, to show the avidity with which valuable public lands are now sought for, and the rapidity with which sales are made. From accounts just received from the Pontitoc land office, in the Chickasaw district, in the State of Mississippi, it appears that there was received in that single office, at a public sale, between the first Monday in January and the 17th day of February of this year, $600,000; and on the 17th of February, after the public sales had closed, there were ten thousand applications for private entries in a single day. If those applications averaged eighty acres each, the money received from them will be one million of dollars. If all be for the smallest possible quantities for which entries can be made—that is, forty acre lots—it must amount to $500,000. It is true that the receipts from this office do not belong to the United States; the avails go to the Chickasaws, under their treaty of the 24th of May, 1834. But it shows not the less conclusively the eagerness of capitalists to vest their funds in the public lands; the spirit of speculation and emigration which is abroad, and which has pervaded every section of our country, and every condition and situation in life.

I agree entirely with the Senator from Missouri, that very much of these excessive sales arises from a diseased state of our currency; that much, indeed all, that we are now receiving for the national domain, is mere trash—base rags; and that every thing is tending to a catastrophe similar to that of 1818; but I did not, I confess, expect to hear from that Senator the precious confessions which he uttered yesterday. All that I had prepared to urge upon that subject; all that I had anticipated, when the first experiment was tried upon the fiscal concerns of our country; all the danger to our public funds; and all the consequent destruction of the credit and business of our country, which every one who possessed the least ray of light glimmering into the future foresaw, and which many foretold would arise from leaving the State banks unchecked and unrestrained, and making them the depositories of our almost unbounded treasure, is, as he concedes, about to come upon us. But, strange to be told, the Senator says "the Bank of the United States has done all this." To whom does the honorable Senator address himself? To men who he believes possess ordinary intellect and ordinary information? The honorable Senator rates the common intelligence of our country too low, if he believes he can induce any one to suppose, even for a moment, that the Bank of the United States, which has been deprived of the public deposites, whose charter has expired and ended, that bank which has ceased to exist, except for the mere purpose of collecting its debts and winding up its affairs, has caused all this mighty flood of bank paper, which now pours like a torrent over the whole land, and drives out gold and silver from circulation. One thing should be constantly borne in mind, and that is this: those who see the bank paper, which is so abundant in circulation, know whether that which they see is the paper of the Bank of the United States or not. If that is pretty profusely mixed with the notes on the deposite banks, the people may give credit to those who say that the Bank of the United States has borne its part in producing the evils which now menace us.

I am fully aware, and I wish the country to be apprized also, that these immense, unparalleled sales of the public lands arise from a diseased condition of the public currency. It is in a great measure deceptive; or, rather, that which we receive for them is not money, but a cheat. We sell for cash, in form, but, in effect, on credit; we make the honest purchaser—him who buys on his own means, and for his own use—pay cash; and we sell to the great capitalists—those who are connected with the deposite banks, those who buy tens of thousands and hundreds of thousands of acres on speculation, and who make fortunes by it, of which we plain men scarcely have a conception—we sell them on credit, without interest. And I will show you how: There are thirty millions of the public money deposited in these banks without interest, and there it is to remain from year to year; those who are connected with these banks, or who find favor with them, borrow this money, and lay it out in public land; it is paid into the land office; the receiver returns it to the banks by way of deposite, and it is again lent out, and again goes the round of purchasing land, and coming again into bank. You see at once, sir, the advantage this gives the great monopolist over the common citizen, who depends upon his own resources, and not on the favor of Government, for his means of purchase. The man or the company with two or three millions of money may cause to be traversed every desirable portion of the public lands by their servants and agents, and seize upon all the choicest spots, before the farmer who seeks for himself a home can examine and select it. And, what is still worse, there is great danger—and I am told that that state of things has, in some cases, been found to exist—there is great danger that the land officers themselves, or some one in the offices, will be in the partnership or in the pay of these regularly organized bands. Sir, the shocking frauds which have taken place under the pre-emption laws have had their origin in this source. It is they or their agents that call upon the poor and ignorant families residing on the public lands, and, persuading them that they had a right to do so, get them to swear that the man and his wife cultivate the land separately, and that each child, from twenty-one to one year old, cultivates separately; and thus manufacture eight or ten pre-emption claims from a single family, pay fifty or a hundred dollars for it, get out these floats, and get them duly assigned, and lay them upon lands of the United States worth thirty or forty dollars per acre. Nay, more; I have been advised that there is a regular manufactory of those pre-emption floats, carried on under the same auspices, where the papers are all duly made out, signed, and sworn to, leaving a blank for the purchaser to fill up with whatever tract of land he may choose. Now, it is self-evident that these things could not be carried on extensively without great capital embarked in it; and that capital could not be had, and thus diverted and withdrawn from the ordinary business of the country, if it were not for its accumulation in the deposite banks. An end will be put to all this fraud more safely and certainly by this law than in any other mode that can be devised. It will abstract the accumulated mass of the public treasure from these banks. It will tap these great reservoirs, which send forth their streams of corruption through devious channels, and over the whole surface of our country. As it is, the public money is taken and made use of to defraud the public out of the most valuable portions of the domain; and, after all, the amount of money in the public treasury or elsewhere is not increased by the operation: it is credit borrowing upon credit, and the United States is the final creditor, who, after being defrauded of its domain, must lose at last even the show of consideration which was received for it. It is difficult to conceive a more bungling, wretched system than that which has been devised for the keeping of these public funds.

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* See table A, at the end. † See table B, at the end.

There is another matter closely connected with the above, in which, I am inclined to think, funds of the United States in some of these deposite banks have borne no humble part. It will be recollected that, by the 14th article of the treaty of Dancing Rabbit creek, made with the Choctaws on the 27th of September, 1830, it was provided that, though the nation removed beyond the Mississippi, each head of a family who wished to remain, and become a citizen of the United States, was at liberty to do so; and, on his giving in his name to the agent within a limited time, he became entitled to a section of land, to be selected by a locating agent; and smaller quantities were allowed to each of his children. It appears by document No. 69, laid on our tables some time since, that this agent, who was authorized to receive and register the names of such Indians as wished to remain, omitted or lost some of the names, or some leaves containing the names of Indians having made such application. The subject, therefore, was opened by order of the President, and further time given to let in these Indians, whose names were so omitted, to prove their rights.

Here was an opening at once, as in the case of the pre-emption laws, to obtain lands, and pay for them, in whole or in part, in affidavits; and the occasion was, as a matter of course, seized upon by these honest gentlemen. Samuel Gwyn, the register of the office of Chocchuma, writes to the Commissioner of the General Land Office, on the 24th of September, 1835, a letter, in which are the following paragraphs:

"I am now more than ever satisfied that it is the settled purpose and determination of a set of speculators to sweep the balance of the Choctaw country, under the pretended claims arising under the 14th article of the treaty;" and he adds, speaking of the order of the President, above referred to, "But advantage has been taken, and his order, limited, as it is on its face, to the last Congress, is held up as authority for sweeping every acre of the remaining country, under circumstances much more aggravated than the grand Yazoo speculation thirty-five years ago. Hordes of Indians, who have all plain cases, are now conjured up, and, under pretended purchases, a set of ravenous speculators are sweeping every thing before them." The document to which I have referred abounds in matter of this kind, and I invite the attention of the Senate to its details, as there can be seen something of our financial affairs, our land system, and our Indian affairs, at a point where they all meet and touch.

These speculations and these frauds—the abundance of public money deposited in banks, whose officers were ready, if not to engage themselves in the business, to lend freely to those who did, and thus afford means to these large and powerful combinations to carry out their schemes of rapine—have, no doubt, very much augmented the sales of public lands, though, perhaps, all combined, they have not much increased the amount of money received into the treasury; for the rich lands in the South would have sold, and that at high prices, if they could have been brought into market under circumstances which would give room for fair competition. If those fruitful sources of fraud be cut off, and the public money remain in those deposite banks, without distribution, the sales will continue large, and speculation will run high; but, the means of perpetrating frauds being cut off, it will be that kind of speculation which, though we should endeavor to prevent, we cannot condemn; for, when the occasion is fairly made, a man is no more to blame for endeavoring to better his circumstances by an investment in land than by an investment in cotton or tobacco. But it should be the care of Government, if possible, so to dispose of its lands that they may pass direct to the cultivator, the husbandman himself, and have no middle man between them to make profit out of both. But the thing, as it is carried on now, is destructive alike to the interest of the Government and the morals of the people.

I have now to look at this subject in another and a more pleasing aspect. I propose to touch briefly on the leading causes which operate to keep up the permanent sales of the public lands, independently of all excess of circulating medium; independently of all temporary excitement, all the rage of speculation, all its success, and all its reverses; the steady, permanent, and enduring causes which cannot cease to act until the subject on which they act is exhausted, and our broad domain filled with inhabitants. It is a point too clear to require argument or illustration, that the sale of our national domain must depend, at last, on the increase of our population. In that whole range of country east of the Allegany mountains, including New York and all New England, except Maine, and southward to Georgia, the country is very nearly filled with population; and the agricultural portion of the community will not become much more numerous within that extensive district, so long as there are new lands, accessible within a reasonable distance, and at a moderate price. The whole increase of this population go into the towns and cities, and engage in trade or manufactures, or they emigrate. In the year

1800, which is as far back as I propose to extend my view of this subject, there were in the old States, (in which I include Kentucky and Tennessee,) about 100,000,000 of acres of wild land, that belonged not to the United States, but to the several States themselves, or to individuals. This furnished an outlet to emigration; and thus, for a series of years, absorbed nearly the whole increasing population of the old States. From 1800 to 1835, there have been sold, and given as donations, of the public lands, above 50,000,000 of acres, nearly all of which is actually occupied; so that there has been brought into actual occupation, within thirty-five years, about 150,000,000 of acres of wild and uncultivated land; that is, an average quantity of something more than 4,000,000 of acres a year. The population of the United States in 1800 was about 5,300,000; it is now about 14,500,000; so that, if the new land continue to come into occupancy for the next thirty-five years in the same ratio, as compared with the population, there will pass from the hands of the United States into those of the husbandman, within that time, about 400,000,000 of acres, being about 12,000,000 of acres a year—less at the beginning, and more towards the close of the period. The average sales for the first ten years, therefore, will not be less than 8,000,000 of acres a year, yielding considerably more than $10,000,000.

It is curious to note the progress of our population, its steadiness and regularity as to the whole Union, and the constant principles by which it varies in its several parts. The increase of the whole population of the United States has been, since 1790, about thirty-four per cent. in ten years; varying, in the whole, not more than one and three fourths of one per cent. between any periods of ten years, except what is caused in one of them by the acquisition of Louisiana, between 1800 and 1801. But, deduct from that series of ten years what Louisiana has added to it, and it will correspond, very justly, with the average for the other several series. From 1800 to 1810, Maine, Vermont, and the northern district of New York, increased much beyond the average ratio; they, therefore, received immigration. While New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and the southern district of New York, have an increase very much below the average; they, of course, gave out emigration, a part of which flowed into the neighboring States, and a part found its way westward, to Ohio. At the same time, Delaware, Maryland, the eastern district of Virginia, North Carolina, and South Carolina, sent out a large portion of their increase in emigration, which is to be found in the great relative increase of western Virginia, Kentucky, Tennessee, and Georgia; east and west Pennsylvania, during that period, having preserved a little more than the average increase, and receiving more emigration than she sent out. This condition of things gradually changed, as the new parts of the old States and the older of the new States became filled with population. And, at this time, in addition to those which were emigrating districts in 1810, the State of Vermont, the northern district of New York, the western districts of Pennsylvania and Virginia, and the States of Georgia, Kentucky, and Tennessee, instead of receiving and absorbing the population of the adjoining States and districts, give out large portions of their own increase, which, joined with the general current, flow westward. This flood-tide of emigration, constant and undeviating in its course, holds due on, and will continue onward until it has spread over and filled the wide national domain, and equalized the population, according to natural advantages, over the whole land.

It is not merely that the new portions of the old States are filled with population, and, instead of receiving, send forth their emigrants; but the great barriers to emigration, which shut out the broad and inviting regions of the West from the Atlantic States, are broken down and removed; our roads and canals across the Allegany mountains, the New York canal, Lake Erie, the Ohio canal, and the steamboats that navigate all our lakes and rivers, have almost annihilated space, and brought the fair and fertile lands of the West into the very neighborhood of our Atlantic cities.

It is on these considerations that I rest my estimate of the sales of the public lands, the regular and permanent sales for the use of the cultivator, for a long series of years to come. Speculation may increase them for one year; disappointment and embarrassment in the moneyed concerns of the country may diminish them for the next, but these are the constant elements which now act, and which must continue to act with constantly increasing vigor; and from these I infer that, if our land system be preserved, and fairly and honestly administered, the sales will hereafter exceed an average of $10,000,000 per annum.

I know how easy it is to attack estimates in advance, and to forget them when they are verified by the event. It is now but one year since the honorable Senator from South Carolina, now near me, [Mr. CALHOUN,] presented a report on the revenues, with a view to the general distribution of the surplus which should remain after subserving all the wants of the general Government; a report in which he shed the clear sunlight of intellect and intelligence over that involved and intricate subject. In that, he estimated the amount which could be set aside for distribution annually at nine millions; and he was charged by the Senator from Missouri with "hallucination;" a word selected, and repeated with emphasis, as if the very supposition savored of madness or self-delusion. But, mark the event. The Senator from Missouri now admits an excess much beyond that; many millions larger; but now there is a new excuse, a new explanation, a new project. The currency is all unsound, and that occasions this accumulation of money, which is but waste paper, mere rags. Be it so; still it is the better currency which was promised us by those who have been ignorantly or wantonly tampering with the currency as well as with the finances of the country. This is the way in which a hard-money currency has been restored to us. These notes on the deposite banks, which are able to cash one dollar in seven, are the yellow boys which were to glisten in the long silken purses of our substantial farmers. The result would be amusing, if it were not a subject too serious to excite a smile.

But since the money, such as it is, is nominally in the treasury, and now when we seek to apply it to this purpose, so useful to the country at large, we are met with a project new and fresh coined, for the avowed purpose of defeating this distribution. It is proposed to expend it all upon our navy and fortifications, and in keeping up a standing army to man the fortifications. And it is now, for the first time in the history of nations, urged that the maintenance of a standing army will be a source of pecuniary profit to the people. Modern opinions differ some little from the old notions of economy and retrenchment, of which we used to hear so much in times past.

But I have no objections to any expenditures, within reasonable bounds, which can be made, and usefully made, in finishing our fortifications and improving our navy; and, although an excessive expenditure for that purpose must seriously embarrass business in the West, by drawing a large portion of the treasure of the nation on to the seaboard, and disbursing it there, yet I would not cavil upon small points, even in that respect. I would not, it is true, like well to have all the vast treasure of our country drawn to one point or to one line, and there expended, to the injury of all the rest; and, if the amount be excessive, not, perhaps, to the advantage of the part thus favored. The whole country, and all its parts, would be better for having something approaching to an equality of distribution; as in the human system, all the frame is diseased if the blood, which belongs to the whole, and which was formed to circulate through the whole freely, should rush from the head to the heart, from the heart to the head, or tend in excess to any single member or limb.

But this measure of expenditure on fortifications and the navy is not, and cannot be, when rightly viewed, a measure opposed to that of distribution. It may be used in opposition to it, and it may be pressed for the purpose of defeating it, but there is nothing whatever inconsisent in them. They can stand together; and, if both be adopted, they will work together to the same good end, that of rescuing the public money from the hands in which it is improvidently placed. But there is a limit, beyond which it is worse than idle—a limit beyond which it is deceptive—to extend these appropriations for the navy and fortifications. It is useless, and it is deceptive, to appropriate sums which we know cannot be expended.

We well know that our appropriations for the gradual improvement of the navy have not yet in any one year been expended. The navy commissioners report a balance on hand of the appropriations made last year for that object of $1,497,245; and of the whole appropriations for the navy, for all purposes, there is reported a balance on hand of $3,714,033; more than half the amount on hand at the beginning of the year. I do not say that there ought, therefore, to be no addition to these appropriations. It may be that more energy may be infused into this Department, and more money advantageously expended; but it is very obvious that the increased amount ought not to be very great, until we are satisfied of our ability to apply it.

Our prospect is certainly not more flattering of applying large extra sums, and applying them usefully, on our fortifications. General Gratiot, the chief of the engineer corps, in his report, which was laid on our tables with the President's message at the commencement of the session of 1834-5, says that the officers belonging to that corps are not sufficient for the duties which they are constantly called on to perform; that ordinary appropriations have to remain unexpended, or, what is still worse, be unskilfully applied, for want of a sufficient number of experienced engineers to attend to its application. He says that this defect cannot be supplied by taking individuals from civil pursuits, and giving them the superintendence; and that much money has been unprofitably expended, and many works badly executed, because of this deficiency. No remedy has as yet been provided for this; we have not yet increased our corps of engineers, and we cannot do it immediately in a way to give them efficiency. We may increase the corps by law, but we cannot by law give immediate science and experience to such increased corps. Nor can civil engineers be procured, even if they would answer the purpose, (which General Gratiot says they will not;) for the works of internal improvement within the States, canals, railroads, turnpikes, projected and under construction, occupy all the civil engineers which the country affords, and create a demand for many more.

Nor can mechanics and laborers be procured to an indefinite extent. Even in the last year, when there was no new appropriation for fortifications, it is shown in the report of the Secretary of War, accompanying the President's message at the commencement of the present session, that about $100,000, a balance of the appropriation of the previous year for completing Fort Schuyler, on Throg's neck, near New York, could not be expended for want of mechanics and laborers, though every effort was made to procure them, north, as far as Boston, and, in the interior, even to the western part of the State of New York. And it should be borne in mind that from this part of the country comes almost the entire efficient force which constructs our public works wheresoever situated. The gentleman from Alabama, over the way, observed, some days since, (and I have no doubt justly,) that very little of the labor, and but a part of the machinery and materials for the construction of public works, were furnished by the South; that the contracts were all, or nearly all, taken in the North; and that men and provisions, and, in fact, materials, were brought from the North for the construction. Then, if mechanics and laborers cannot be procured in Boston, Providence, Connecticut, or New York, to do a small amount of work, such as that at Fort Schuyler, it would seem difficult to procure enough on the seacoast at all to expend several millions in the same kind of labor. Nor should it be forgotten that the great fire in New York, which consumed so valuable a portion of that flourishing city, has caused an absolute and pressing demand for labor, to the amount of seven or eight millions, to rebuild it; and that, in consequence of this, wages have risen to an unusual height. And if the United States should now, or within the present summer, come into the market for an unusual amount of labor, it would put it out of the power of the inhabitants to rebuild their city, or of the United States to expend its appropriations; for the aggregate amount of labor in a whole country is not increased indefinitely by excessive prices; it has its maximum, beyond which it cannot pass.

It is very clear, therefore, to my mind, that no such sums can be expended for these objects, in any manner usefully to the country, as will lessen the amount of the present surplus, or at all interfere with the distribution proposed by this bill. I felt it necessary to step somewhat out of my way to observe, upon these matters, in consequence of the repeated declarations of the Senator from Missouri that the adoption of the one measure must be the defeat of the other—that they could not stand together; but I think I have shown that, so far as his project is a useful and a practicable one, there is nothing in it at all opposed to the principles or the operations of this bill, but that both measures concur to the same end, and both would be necessary to effect a most important object—that of abstracting the public money from the deposite banks, where it is hoarded and used for purposes of private emolument, and of spreading it among the people, and applying it to the benefit of all.

This bill points out the only practicable mode in which this immense surplus can be disposed of usefully to the country. All appropriations for internal improvements, with one single exception, have been put down by the veto of the President and the determined policy of the times. An amendment of the constitution, so as to enable us to distribute, generally, the surplus revenue, is wholly impracticable; and, if liable to no other objection, it cannot come in time to prevent the evil with which we are threatened. No one proposes to disturb the tariff, in order to lessen the receipts from customs; and the proposed reduction of the price of the public lands would produce nothing but evil. It is important, as I have already said, that the public lands should, so far as general regulations can direct them, pass at once from the Government into the hands of the husbandman: in other words, that there should be as little inducement as possible for speculation in those lands. They should be sold at as low a price as possible not to invite speculation; but they should not be brought down so low as to encourage it; for, if they are, it places large quantities at once in the hands of companies and individuals, embarrasses the settlement of the country, and raises the price on the husbandman. Such would be the undoubted effect of reducing the price of the public land at this time. It would enable the capitalist, who proposes to invest his million in lands, to buy a larger quantity with it, or to hold up his purchase longer, and realize a better profit; but the public at large, the emigrants, who purchase to till the soil, would suffer by it. It would be no reduction, but the very reverse, to them.

There is, then, no safe, practicable, and constitutional mode of disposing of the public lands, and of reducing the surplus funds, which all admit to be an evil rather than a blessing, except by the distribution proposed by this bill; and I will now proceed, with the indulgence of the Senate, to examine our constitutional power to make this distribution.

I am not prepared to say that Congress possesses the general power of collecting revenue for the purposes of distribution; my opinion, though I have not fully examined the subject, is, that we do not possess it. Those who hold that we do, must, as I suppose, derive the power from the 8th section of the 1st article of the constitution, which provides that Congress shall have power "to lay and collect taxes, duties, and imposts; to pay the debts and provide for the common defence and general welfare of the United States." But this confines the purpose for which the taxes, duties, and imposts, may be laid, to the payment of the debts and providing for the common defence and general welfare; and, consequently, limits the use which may be made of the public funds so collected. The committee did not, in their report on this subject, think proper to rest the proposed measure on this ground; and I do not, in any manner, rely upon it now, though I am aware it has been a favorite doctrine of many intelligent men, who hold to a strict construction of the constitution. I rest this question entirely on the special circumstances attending the grant of these lands to the United States, and that clause in the 3d section of the 4th article of the constitution which gives Congress unlimited power to dispose of the national domain.

I propose to examine one only of the deeds of cession, namely, that of Virginia; because, as relates to the disposition of the soil, all the other deeds conform, substantially, to that; there is, I believe, this difference only, that the deed of Georgia was made after the adoption of the federal constitution; that of Virginia and the other States before it. At the time the deed of cession from Virginia was made and accepted, the States were held together by the articles of confederation of 1778; which, by its 8th article, provides "that all charges of war, and other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States." The articles then go on to fix the proportions which each State shall contribute, and then declare that "the taxes for paying that proportion shall be laid and levied by the authority of the several States. Such was the Union, so far as regards its financial system, at the time the Virginia deed of cession was executed and delivered; and to this state of things, on every sound principle of construction, must its provisions apply. The clause in that deed of cession which relates to the subject immediately under consideration is as follows:

"That all the lands within the territory so ceded to the United States shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, Virginia inclusive, according to their usual respective proportions in the general charge and expenditures; and shall be faithfully and bonafide disposed of for that purpose, and for no other use or purpose whatsoever." I have thrown out of the above sentence a clause which does not bear upon the question, for the purpose of freeing it of extraneous matter, and of bringing all the members of the sentence as closely together as possible. It is now clear and explicit in its directions, and not easily misunderstood.

We see, then, that the lands granted by Virginia are not a grant to the treasury of the United States, or to the United States in any way, as the beneficial grantee. The United States holds those lands in the character of trustee, and is required to dispose of them bonafide for the use and benefit of those for whom the trust is declared in the deed, and for no other use or purpose whatsoever. If it had been intended to make the proceeds of the land a fund, which should, at all events, and in all cases, go into the treasury of the United States, and remain there until wanted for the common purposes of the confederacy, that idea would have been very easily expressed, and it would have been done in words very different from those actually used in the deed: a simple declaration that the proceeds of the lands should be applied to the common purposes of the confederation—the payment of debts, the common defence, or the same purposes to which taxes were to be applied, would have conveyed the idea that the fund, when received, was to be a joint fund, and not liable to distribution; but the more closely we look at the language of this clause in the deed of cession, the more conclusively does it convey the idea that distribution, in some event, was in contemplation of those who drew the instrument. It is "for the use and benefit of such of the United States as have become, or shall become, members of the confederation, Virginia inclusive." If distribution was not intended, why say any thing more than that it was for the use and benefit of the United States? It would then have been received into the common treasury, and have been applied to the common purposes of the confederation, whoever might be its members; but the deed is framed with a view to the individuals who are to share in the trust—not to its application, in the aggregate, to the common purposes of the country. If it be not so, why use the term "Virginia inclusive?" If this were a fund to be used in no way but jointly, the expression would be idle; but, with a view to distribution amongst those entitled to the benefit of the trust, it was well applied. It shows that, though Virginia made the grant, part of that grant was for her own benefit; that she was grantor and grantee in the same deed; and, as she is declaring the use, she expressly declares that she is to come in for a portion of that use. This was done, lest she might be cut out, because she was grantor, and because she had made certain reservations for her own benefit, or the benefit of her citizens, in the same deed. I do not say that such expression was, in that case, necessary to give her a share in the fund to be distributed; but it was natural and proper to insert it, in order to avoid misconstruction and cavil.

Under this deed of cession, and in execution of this trust, it would, I think, be competent for Congress to pay the ordinary expenses of the Government out of the proceeds of these lands, if those proceeds were necessary for that purpose; for it would be substantially disposing of them in conformity with that trust. Congress, as the trustee for all the States, holds a sum of money which must be used bonafide for the benefit of all. Congress also has power to lay and collect a tax in the same proportion in which this trust fund is to be applied, and to the same amount, on all the States. In this condition of things, it is consistent with the faithful discharge of the trust to apply that fund to the common purposes of Government; omit to distribute, and omit to lay the tax. But the case is wholly different when this trust fund has accumulated in the treasury, and is not wanted for the common purposes, and will save the imposition of no tax by remaining and accumulating. It then can receive no other application, bonafide for the benefit of all the States, than by distribution among them all. If we had remained down to the present time a confederation, as we were by the articles of 1778, and if this large surplus had in any manner found its way into the public treasury, and if the land conveyed to us under the deed of cession were, as it now is, pouring in its millions annually, would any one doubt that it ought in justice and good faith to be distributed among the States in pursuance of the trust? Good faith on the part of the general Government would certainly require it; and equity, as between individuals under similar circumstances, would compel it. But the rights and duties of the United States as a contracting party are in nowise changed by the adoption of the constitution. The first section of the sixth article of that instrument declares "that all debts contracted, and all engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation;" and the framers of the constitution, when, in the second section of the fourth article, they give Congress general power over the public lands, seem to have had these deeds of cession and the rights of the States under them in mind; for they provide in the same section that nothing in that constitution "shall be so construed as to prejudice any claims of the United States, or of any particular State." All contracts, therefore, which were made under the old confederation, whether with individuals or States, continue to be binding; and all engagements entered into must be executed, as they would have been if we had continued merely a federal alliance.

There is another argument of much weight, founded on the clause in the second section of the fourth article of the constitution, wherein it is provided "that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Or, if we cast out of the sentence all that does not bear upon the subject, the provision is, that Congress shall have power to dispose of the territory of the United States. For what purpose? It is unlimited and unrestrained as to object. In what manner? Equally without limitation. To what use apply the proceeds? This clause of the constitution is silent as to all this. Therefore, the power is unlimited, unless it be elsewhere restrained, or its object or extent defined. But this clause declares for itself that it "shall not be so construed as to prejudice any claims of the United States, or of any particular State." The first section of the sixth article makes all the contracts of the confederation valid, and the deeds of cession require Congress to dispose of the lands bonafide for the use of all the States, and for no other use or purpose whatever. Thus, the general power given to Congress over these lands in the third section of the fourth article is limited and restrained by the rights of the several States to this distribution under the deeds of cession; but it would seem that it has no other limit.

As to the land acquired by the purchase of Louisiana and Florida, it comes, without limitation or restraint, under the provisions of the third section of the fourth article. Congress has power to dispose of it; and that power would seem to be unlimited, except that it must be disposed of justly and rightfully, pursuant to the general purpose and intent of Government. Let it be remarked, that the objects for which taxes, imposts, and excises, may be laid and collected are particularly specified; therefore, the power of Congress has been held limited, in the application of money so collected, to the objects for which it might be constitutionally collected. There is no such limitation here, in regard either to purposes or objects. It would seem, therefore, that these lands, for which there is no compact, might be disposed of as Congress may, in their discretion, think advantageous to the country.

It seems to be the opinion of the Secretary of the Treasury (and, indeed, this opinion has been long prevalent) that the purchases of Louisiana and Florida were made out of funds derived from the sales of the public lands. Hence, in all the estimates which have been furnished us for many years past of the costs of the public lands, and the expenses attending their management, we find, as items, the cost of the Territories of Louisiana and Florida. If this be correct—if the public lands have been made the fund out of which this large purchase has been paid—the lands in those Territories are bound at once by the same principle of distribution with those held under the deeds of cession. It is a reinvestment by the trustee of the trust fund, and the trust, according to the well-known principles of equity, follows it, wheresoever invested.

These considerations, Mr. President, have satisfied me that we have the constitutional power to distribute the nett proceeds of the public lands in due proportion among the several States; that, as to the lands conveyed to us by the several States, we not only have the power to distribute, but that it is our solemn duty to do so. It is a sacred trust reposed in the confederacy by individual States, which we, by the constitution, bound ourselves to execute, and which can in no other manner be executed in good faith, and according to the intent of those who created the trust. The next inquiry that presents itself is, whether the nett proceeds of the public lands, after defraying all expenses with which they are chargeable, are equal in amount to the sum proposed to be distributed by this bill.

In a report of the Secretary of the Treasury, made in answer to a resolution of the Senate, and now lying on our tables, (doc. No. 80,) the whole nett proceeds or receipts into the treasury from the public lands, to the 30th of September, 1835, is stated at $58,619,528.

In addition to this, the same paper shows that the public lands have paid "certificates of public debt and army warants,"	$984,189
In United States stock,	257,660
And in military scrip, (the precise amount not shown, as it is blended with forfeited land stock, but is about)	1,500,000
This, if we add to it the above sum of	58,619,528
Makes the aggregate, in cash and public securities, to the 30th September, 1835,	$61,361,377
In addition to this, the public lands have paid in military bounties, partly for the revolutionary war, and partly for the late war, a large sum, which I have not yet been able to estimate, but it amounts to several millions. But if we add to the aforenamed sum of $61,361,377, the receipts for the last quarter of 1835,	6,033,410
We have of the aggregate nett proceeds to the 1st of January, 1836, a fraction more than	$67,000,000

The same document gives the cost of the public lands, and the whole expense of their management, at $57,652,207. But in this is included the whole cost of Louisiana and Florida, amounting, with the interest paid upon it, to a little more than $30,000,000. Now this, it must be obvious to any one, is an excessive and unwarrantable charge upon the fund. Those Territories were not purchased for the soil only; and the public land should not be charged, in any account current against it, with the whole amount of that purchase. Admitting half the value to be the soil, one half the jurisdiction and the outlet to the ocean through the great river of the West, which is conceding tenfold too much in favor of the Secretary's account, it will reduce the whole amount of his charge against the lands to a little less than $43,000,000.

But his account against the lands is excessive in another large item. He has charged the whole expense of the Indian bureau, Indian wars, Indian treaties, and Indian intercourse in all its forms, amounting to more than $17,500,000, to the public lands. Now, so much of this as was paid for the purchase of lands from the Indians is rightfully put down in this account, but no more. It is probably overcharged by about $10,000,000; but I have no means of ascertaining this with certainty. This would reduce the charge against the lands to about $33,000,000. To that sum should be added about $3,000,000 for the five per cent. of the nett proceeds paid over by compact to the new States, and we have $36,000,000 as the whole cost of the lands, and $67,000,000 their nett proceeds; leaving to the credit of the fund $31,000,000. The whole amount proposed to be divided on the 1st of January, 1836, the time to which I bring down this estimate, is a little more than $21,000,000, leaving still a balance in favor of the lands of about $10,000,000.

Having attempted to show (and I hope successfully) that there is a surplus in the treasury sufficient to make this distribution, without trenching upon any of the wants of the country; that we can distribute the sum proposed, and still retain more than can be advantageously applied to all the ordinary and extraordinary purposes of Government; having shown that, among all the other expedients for disposing of the surplus treasure, no one that is practicable is entitled to the favor of the country, or would redound to its prosperity; having shown that this bill is not only constitutional, but that something of the kind is required of us by the constitution and the compacts which it recognises and sanctions; and having established the fact, that there is of the nett proceeds of the lands, after paying all that is justly chargeable upon them, a fund sufficient, and more than sufficient, to meet the provisions of this bill, I will now consider the measure in some of its details, and endeavor to show that in those also it is, between all portions of the Union, right and just.

The most striking feature of the bill which in this respect requires explanation is, the grant to each of the new States of ten per cent. of the proceeds of the public lands sold within its limits.

It will be recollected that I have held the United States bound by the terms of their compact to dispose of these lands bonafide for the benefit of all the States, and that they ought to distribute the proceeds faithfully and equally among all the States, according to their respective proportions in the general charge and expenditure. This ten per cent. rests upon a ground connected with the administration of this trust, which I think I can easily explain to the satisfaction of the Senate. It will be recollected that the United States, by compacts with the new States, gives them five per cent. of the nett proceeds for making roads to and within them, in consideration of the States giving up the right of taxing the public lands for five years after they shall have been sold. This is no gift or gratuity to the new States, but a bargain with them, and a hard one.

The public lands derive an additional value from the public improvements made within those States in which they lie. Those lands, it is true, ought not to contribute any thing for the ordinary purposes of Government; but they ought to contribute for those improvements which enhance their value in common with the value of the other lands in such States. If the small landholders contribute, by way of taxation, to construct a road or canal, and find their indemnity in the increased value of their land, ought not the United States, as the great landholder, whose domain is equally increased in value, to contribute in like proportion? It is certainly just that they should. In the management of this trust fund placed in their hands, the United States ought to do what an intelligent and judicious trustee in private life ought to do. If a contribution to extend a great and valuable improvement through the lands so held in trust will make the whole fund more valuable, the trustee ought to make the contribution; and if he fail to do so, he does not do all that is in his power for the benefit of his *cestui que trust*. The contributions made heretofore by the United States to great works of internal improvement in the States, have been made partly upon this principle; that to Ohio, Indiana, Illinois, and Alabama, for their several canals, distinctly so; and who can say that those grants, which leave the aggregate value of the land greater than before they were made, are not an application of the fund bonafide for the benefit of all entitled to share in it?

On this principle it is that ten per cent. of the proceeds of the lands in the new States is, in the first place, set apart by this bill to the States for the purposes of internal improvement. It is supposed to be, as nearly as can be ascertained, the just proportion which the United States, as the great landholder, ought to contribute to the improvements made by the States in the neighborhood of the public lands, and which enhance their value. The appropriation is liberal, but not so beyond the pale of right and justice. The old States ought not to object to it; and, on a full view of the subject, I am satisfied they will not. If they look upon it as a mere concession, a gift without any equitable consideration whereon to rest, they might, and perhaps they ought to, oppose it; but, if I have viewed this subject right, such is by no means its real character. It is doing to the new States nothing more than justice in aiding them to perform works which profit the whole Union, and by which the whole Union prospers. I have sometimes heard it said that these favors to the new States were unreasonable and unjust to the old, because it was the old thirteen that achieved our independence, and purchased with their blood and treasure the beautiful country which now composes those new and flourishing States to which they are asked to extend these other favors. This is true to the letter; but it avails nothing, in point of argument. It is not the soil or the limits of the old States that made this conquest, and conferred these favors upon future generations. It was their sons. And many of those who fought hardest and longest in this contest, who sacrificed all their time, their talents, and their fortunes, in the glorious struggle, the war being ended, were compelled to adopt the alternative of living in poverty among those with whom they had once lived in affluence, or go and encounter new toils and new perils, and gain themselves a home and a competence, and build up new States, in the West. The earliest emigrants to Ohio were of the officers and soldiers, and the sons of the officers and soldiers, of the Revolution. They were generally of the less wealthy and the less fortunate, but not the least brave and patriotic, of the men of those days.

For the reasons already urged, I consider the ten per cent. to the new States perfectly just on principle. The proper amount cannot be settled with accuracy, because it admits only of general reasoning; but every consideration that I have been able to bestow upon the subject leads me to the conclusion that the sum fixed upon is, as near as possible, right.

If it be so considered, it will aid us in settling another branch of the subject—I mean the grant of land to several of the new States, which is contained in the bill: that is, 500,000 acres to each of the new States which has received no grant; and so much as will make 500,000 to each of those which has received less than that amount.

If it be now just to give to each of the new States ten per cent. of the proceeds of the sales of the public lands within them, it has been so at all times heretofore; and the States which have not received it have not been justly dealt by. The United States has profited by their improvements, without bearing its due proportion of the expense of making them. But it will be found that this proposed grant of 500,000 acres to each of the new States will make a near approach to justice in this respect; not exact, it is true, but approaching it nearly. Ohio and Indiana will have received something less than they are entitled to; the other new States something more. Down to the 1st of January, 1832, (the time that the distribution is to commence by the terms of this bill,) there had been paid into the public treasury, for land sold in Ohio, something more than fifteen millions of dollars, including the public securities, which were equivalent to cash. Ten per cent. upon this sum would have given Ohio $1,500,000: she has, in fact, received 922,937 acres of land, according to the statement of the Secretary of the Treasury, which, at the minimum price, is worth $1,152,000; less, by $348,000, than her ten per cent. Down to the same day, the sales in Indiana brought into the public treasury about $7,000,000, of which the ten per cent. would be $700,000. Indiana, with what she has received, and is to receive, if this bill pass, will have 500,000 acres, equal in value to $625,000; being $75,000 less than ten per cent. upon the nett proceeds of the lands in the State. Alabama would receive, within a small fraction, her ten per cent.; and the other new States something more than theirs: so, it will be seen that this bill is, as nearly as may be, just, as between the old and new States, and approaching nearly to equality among the new States—the oldest among the new States getting less than their due; the younger States something more than theirs. But this, again, is compensated by the rapidly increasing population of the new States, which gives them, near the close of each period of ten years, before adjusting the federal population, greater relative numbers than they are rated at: so that, at last, it is as nearly equal and just as it can be made, where mathematical certainty is not to be arrived at.

But we have been told that this bill holds out a lure to the people, to lead them astray from the path of their political duty; that it addresses their sordid passions; and that it is a bribe to the people and to the States. And who tell us this? Those, sir, who have this money, the money of the people, safe and snug in their own coffers, or in the coffers and vaults of corporations under their control. It is they who tell us that we address the sordid passions of men when we tell them that the public treasure, which is not wanted for the public use, but which is used for private emolument, is theirs; and that, by compact, and in fulfilment of a trust, it ought to be distributed among the States, to lighten their burdens, and to advance their prosperity. As well might the trustee of a private fund say to those for whom he holds it, that it was mean and sordid in them to demand it of him; that the love of gold was a base passion, and they ought not to cherish but to rise above its influence. So say the banks which have the money of the people in their vaults, and who are dividing their hundreds of thousands, yearly, out of its proceeds; so say they, or rather those who stand their champions on this floor, to all who assert the rights of the States and the people to the enjoyment of what is their own. But gentlemen say that the paying over of this money would be a bribe—there is corruption in it. Now, I am at a loss to comprehend, exactly, the accusation; therefore, I have difficulty in answering it. I cannot conceive how a people can bribe themselves; or how a general law, for the general and equal benefit of a whole people, proposed or passed by their own representatives, can be a bribe to a whole people. I can easily see how the application of the funds of a whole nation, when in the hands of their rulers, to the benefit of a few persons, or a few corporations, may operate as a bribe, and enlist the feelings and efforts of the few against the interests of the many; but I cannot conceive how a whole nation is to be bribed, or how any one could be silly enough to hope to bribe them, by rendering them a mere act of justice, especially if nothing be asked in return. It would, at any rate, be a bribe merely to enjoy and value the blessings which a free Government secures to its citizens.

The doing an act of justice, and what law and honor demand, however much it may win the affections and good will of men, is not generally characterized by that epithet as between man and man. If a debtor pay his just debt, his creditor will esteem him for it, and so will mankind in general; but it does not follow, therefore, that he has bribed them, though he has gained their good will by parting with a sum of money. So the individual who holds the funds of another in deposite as a trustee: if he pay it over when he ought to do so in virtue of his trust, he will be more esteemed than if he had hoarded it, or wasted it, or lavished it upon his favorites, and refused payment; yet we do not call this act of honesty, justice, and punctuality, a bribe. If it be so, every good act which a man can do in private life, which entitles him to the esteem of the public and the affection of his friends, should be also designated by this odious epithet. In this sense, if we may abuse language in this way, all good government is a bribe; that security for our liberty, our persons, our property, the due administration of justice, which all good and orderly men desire, and the possession of which makes them love their country and their Government, is a bribe. So is the justice which a good Government renders to individuals who have claims upon it, the justice which it renders to individual States or masses of men, as well as the justice which I ask that it should render to all the States, and to the whole people, by the passage of this bill.

The object of this bill—its effect, if passed into a law, would be pure and unmixed good, without any conceivable tinge or dash of evil. The vast surplus in the treasury, which it is intended to reduce, is admitted on all hands to be fraught with mischief. It is an evil, and not a good. The object of this bill is to distribute it among the States to whom it of right belongs, that they may spread it abroad upon those important improvements which will add countless blessings to all portions of the land. We wish to turn the resources of the nation into their true and legitimate channel; to direct the wealth of the nation to its legitimate use; "to scatter blessings o'er a smiling land;" and all that is asked, and all that can be received, in return for this effort to serve the country, is a participation, for ourselves and our children, in the blessings which it may produce, and that approbation which is due to an honest and just conduct of affairs, so far as our efforts can control them.

When I cast my eyes over the Union, and view it as composed of numerous States, with a people engaged in various pursuits, acted upon by various feelings and various interests, I am most sensibly and deeply impressed with the importance of this bill to settle for ever a question which is otherwise destined to be one of constant and perplexing agitation. The old States should desire to see it thus equitably settled and put at rest; for if it be not, there will be constant and continuing efforts, year after year, as there have heretofore been on the part of some of the new States, to grasp for themselves the whole golden treasure. Combinations will be formed; political aspirants will make those lands a fund for political bargain; and the nation will be torn and agitated until the dazzling mass is, at last, like the snow drift, melted away. The new States should desire its final and speedy adjustment. Do they seek for a gift of all the lands within their limits? The temper of the times, the moral feelings of the community, do not permit them to demand, and it forbids them even to hope, that they can compass that which would be felt to be such great injustice. Are they watching for a favorable moment to press such a measure? Before that time comes, they who now wish it will cease to have an interest in it, or to desire it. Look at the progress of things: Ohio, now, would suffer much loss by a gift to the new States of all the lands within them. She would get but a small part of her just proportion as one of the twenty-four States. The same will be the case with Indiana, Illinois, Alabama, and Mississippi, in a very few years; and, in a few years more, perhaps in an equally short period, with Louisiana and Missouri. Nay, if I had not already exhausted your patience and my own strength, I could prove, to the satisfaction of any impartial intellect, that those States would now all be injured, retarded in their settlements, checked in their onward progress to wealth and prosperity, by a surrender to them this day of all the lands within them. Look at the States which have had the disposition of their own soil; and look at those where it has been disposed of under our general system, and note their progress; and you will comprehend, at a glance, the argument which would lead to that conclusion.

Once again, Mr. President, let me say that I trust and hope this will not be received or acted on as a party measure. It can be none, within the sphere of the honest operation of party feeling or party adherence. It cannot, justly and honestly, subserve the party in power to retain in banks, in rich corporations, to the profit of none but rich corporators, an immense amount of public money, the property of the States and of the people; money which is necessary to supply the wants of that people, both for public works and as a medium for commerce. No party can avow such a motive; no honest man of any party can act upon it. On the other hand, can any party purpose be subserved, or any party object advanced, by the distribution of this money among the States? Not at all. All alike will partake in its advantages; and all have the power, if the inclination, to aid alike in rendering this service to our common country; our whole country.

I am not without hope that it will be so considered and so acted on. I see and feel that prejudice, both within and without our halls, is fast giving way before the reason and the justice of the measure, and the plain sincere garb of truth in which it is shrouded. I am sure that this bill is destined to become a law. It may not this year, but the day is not distant when it will. The public eye is upon it. It is seen, it is examined, it is comprehended; and, sooner or later, public opinion will force it upon our councils.

Explanatory Note to table A, following.

The December return from Mount Salus, and the November and December returns from Columbus, Mississippi, and the December returns from Palmyra, Missouri, and Edwardsville, Illinois, have not been received.

The sales in those offices for which the returns have not yet been rendered will exceed $500,000.

J. M. MOORE.

A.

Statement showing the amount received in cash, forfeited land stock, and military land scrip, with the total amount paid by purchasers, at the district land offices, so far as the returns have been received, in each of the States and Territories, during the year 1835.

States and Territories.	Amount paid in cash.	Amount paid in forfeited land stock.	Amount paid in military land scrip.	Total amount paid by purchasers.
Ohio, - -	$778,689 87	$6,675 57	$41,709 36	$827,074 80
Indiana, - -	2,046,971 80	1,601 49	27,598 88	2,076,172 17
Illinois, - -	2,592,867 95	1,826 58	3,934 72	2,598,629 25
Missouri, - -	630,541 02	458 36	450 00	631,449 38
Alabama, - -	1,955,500 94	1,824 16	-	1,957,325 10
Mississippi, - -	2,773,831 74	1,042 66	3,700 00	2,778,574 40
Louisiana, - -	408,778 73	174 00	-	408,952 73
Peninsula of Michigan,	2,271,058 59	361 17	155 41	2,271,575 17
Michigan, west of lake,	316,681 04	-	-	316,681 04
Arkansas, - -	787,928 49	-	-	787,928 49
Florida, - -	64,876 68	-	-	64,876 68
	$14,627,726 85	$13,963 99	$77,548 37	$14,719,239 21

B.

States and Territories.	Districts.	January. 1835.	January. 1836.
Ohio, - -	Cincinnati, -	$6,197 40	$12,641 90
Do. - -	Steubenville, -	709 64	939 19
Do. - -	Wooster, -	748 33	1,510 12
Do. - -	Zanesville, -	6,740 83	29,464 99
Do. - -	Chillicothe, -	1,291 19	9,192 72
Do. - -	Marietta, -	1,041 15	7,198 32
Do. - -	Bucyrus, -	10,983 24	33,882 20
Do. - -	Lima, - -	15,144 68	27,063 72
Indiana, -	Jeffersonville,	9,198 78	24,442 16
Do. - -	Indianapolis, -	39,365 92	83,149 39
Do. - -	Crawfordsville,	19,370 57	51,299 35
Do. - -	La Porte, -	6,286 37	46,636 79
Illinois, -	Shawneetown,	347 39	13,162 40
Do. - -	Palestine, -	3,999 92	17,482 72
Missouri, -	St. Louis, -	4,948 71	12,649 09
Alabama, -	Demopolis, -	106,446 67	55,573 41
Do. - -	Huntsville, -	3,604 98	10,469 57
Do. - -	Mardisville, -	14,492 00	11,243 76
Do. - -	Montgomery, -	39,482 76	26,552 18
Do. - -	Sparta, -	3,697 31	16,754 21
Mississippi, -	Chocchuma, -	9,020 90	22,663 14
Louisiana, -	St. Helena, -	293 75	9,370 81
Do. - -	New Orleans, -	3,861 03	24,538 60
Michigan, -	Detroit, -	7,229 80	73,832 29
Do. - -	Monroe, -	11,511 16	75,210 34
Do. - -	Bronson, -	8,382 76	134,026 35
Arkansas, -	Little Rock, -	552 10	10,116 46
		$333,949 34	$841,066 18

January, 1835.	Year 1835.	January, 1836.	Year 1836.
As $333,949 34 :	$15,200,000 : :	$841,066 18 :	$38,221 998

About half past two, Mr. Ewing, being exhausted, gave way, and

Mr. SOUTHARD moved that the Senate adjourn.

Mr. BUCHANAN moved to postpone the further consideration of the bill until to-morrow; but

Mr. EWING refused to yield the floor for such motion. He said he was willing to yield to an informal motion, which would leave the question in the situation in which he left it, to be resumed as a matter of course. This might be done by unanimous consent.

Mr. BUCHANAN expressed his willingness.

Mr. BENTON. I wish to be excluded from any such consent.

Mr. EWING then resumed his remarks, as given entire above.

At three o'clock, Mr. NAUDAIN moved that the Senate adjourn.

The yeas and nays were asked by Mr. BENTON, and were ordered.

The question was then taken, and decided in the negative, as follows:

Yeas—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Webster, White—19.

Nays—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—22.

A few minutes afterwards the motion was renewed to adjourn, and again decided in the negative: Yeas 20, nays 26.

On motion of Mr. PRESTON, the further consideration of the subject was postponed until to-morrow; and,

On motion of Mr. BUCHANAN, the Senate proceeded to the consideration of executive business; after which

The Senate adjourned.

Wednesday, March 16.

ABOLITION PETITIONS.

Mr. WEBSTER rose to present several petitions; and addressed the Senate as follows:

Agreeably to notice, I offer sundry petitions on the subject of slavery and the slave trade in the District of Columbia. The first purports to be signed by two thousand four hundred and twenty-five of the female inhabitants of Boston. This petition is in the usual printed form. It is respectful to Congress, and contains no reproaches on any body. It asks for the consideration of Congress, both with respect to the existence of slavery in the District, and with respect to the slave trade in the District.

The second is a petition, signed by Joseph Filson, and about a hundred others, citizens of Boston, some of whom are known to me, and are highly respectable persons. The petition is to the same effect, and in the same form.

The third petition appears to be signed by a large number of persons, inhabitants of Wayne county, in Michigan. I am not acquainted with them. It is a printed petition, different in form from the preceding, drawn more at length, and going further into the subject. But I perceive nothing in it disrespectful to the Senate, or reproachful to others.

The fourth petition is like the two first, in substance and in form. It is signed by four hundred and thirty-three citizens of Boston. Among these signers, sir, I recognise the names of many persons well known to me to be gentlemen of great worth and respectability. There are clergymen, lawyers, merchants, literary men, manufacturers, and, indeed, persons from all classes of society.

I ask, sir, that these petitions may be received, and move that they be referred to the Committee on the District of Columbia. This motion itself, sir, sufficiently shows in what manner I think this subject ought to be treated in the Senate.

The petitioners ask Congress to consider the propriety and expediency of two things: first, of making provision for the extinction of slavery in the District; second, of abolishing or restraining the trade in slaves within the District. Similar petitions have already been received. Those gentlemen who think Congress have no power over any part of the subject, if they are clear and settled in that opinion, were perfectly justifiable in voting not to receive them. Any petition which, in our opinion, asks us to do that which is plainly against the constitution, we might very justly reject. As, if persons should petition us to pass a law abridging the freedom of the press, or respecting an establishment of religion, such petition would very properly be denied any reception at all.

In doubtful cases we should incline to receive and consider, because doubtful cases ought not to be decided without consideration. But I cannot regard this case as a doubtful one. I think the constitutional power of Congress over the subject is clear, and, therefore, that we were bound to receive the petitions. And a large majority of the Senate are also of opinion that the petitions ought to be received.

I have often, Mr. President, expressed the opinion that, over slavery, as it exists in the States, this Government has no control whatever. It is entirely and exclusively a State concern. And while it is thus clear that Congress has no direct power over this subject, it is our duty to take care that the authority of this Government is not brought to bear upon it by any indirect interference whatever. It must be left to the States, to the course of things, and to those causes over which this Government has no control. All this, in my opinion, is in the clear line of duty.

On the other hand, believing that Congress has constitutional power over slavery, and the trade in slaves, within the District, I think petitions on those subjects, respectfully presented, ought to be respectfully treated and respectfully considered. The respectful mode, the proper mode, is the ordinary mode. We have a committee on the affairs of the District. For very obvious reasons, and without any reference to this question, this committee is ordinarily composed principally of southern gentlemen. For many years a member from Virginia or Maryland has, I believe, been at the head of the committee. The committee, therefore, is the appropriate one, and there can be possibly no objection to it, on account of the manner in which it is constituted.

Now, I believe, sir, that the unanimous opinion of the North is, that Congress has no authority over slavery in the States; and perhaps equally unanimous that over slavery in the District it has such rightful authority.

Then, sir, the question is a question of the fitness, propriety, justice, and expediency, of considering these two subjects, or either of them, according to the prayer of these petitions.

It is well known to us and the country that Congress has hitherto entertained inquiries on both these points. On the 9th of January, 1809, the House of Representatives resolved, by very large majorities, "That the Committee for the District of Columbia be instructed to take into consideration the laws within the District in respect to slavery; that they inquire into the slave trade as it exists in, and is carried on through, the District, and that they report to the House such amendments to the existing laws as shall seem to them to be just."

And it resolved, also, "That the committee be further instructed to inquire into the expediency of providing by law for the gradual abolition of slavery within the District, in such manner that the interest of no individual shall be injured thereby."

As early as March, 1816, the same House, on the motion of Mr. Randolph, of Virginia, resolved, "That a committee be appointed to inquire into the existence of an inhuman and illegal traffic of slaves carried on in and through the District of Columbia, and to report whether any, and what, measures are necessary for putting a stop to the same."

It is known, also, sir, that the Legislature of Pennsylvania has, within a very few years, urged upon Congress the propriety of providing for the abolition of slavery in the District. The House of Assembly of New York, about the same time, I think, passed a similar vote. After these proceedings, Mr. President, which were generally known, I think, the country was not at all prepared to find that these petitions would be objected to, on the ground that they asked for the exercise of an authority, on the part of Congress, which Congress cannot constitutionally exercise; or that, having been formally received, the prayer of them, in regard to both objects, would be immediately rejected, without reference to the committee, and without any inquiry.

Now, sir, the propriety, justice, and fitness, of any interference of Congress, for either of the purposes stated in the petitions, are the points on which, as it seems to me, it is highly proper for a committee to make a report. The well-disposed and patriotic among these petitioners are entitled to be respectfully answered; and if there be among them others whose motives are less praiseworthy, it is not the part of prudence to give them the advantage which they would derive from a right of complaint that the Senate had acted hastily or summarily on their petitions, without inquiry or consideration.

Let the committee set forth their own views on these points, dispassionately, fully, and candidly. Let the argument be seen and heard; let the people be trusted with it; and I have no doubt that a fair discussion of the subject will produce its proper effect, both in and out of the Senate.

This, sir, would have been, and is, the course of proceeding which appears to me to be prudent and just. The Senate, however, having decided otherwise, by a very large majority, I only say so much, on the present occasion, as may suffice to make my own opinions known.

Mr. MANGUM said that, as he had been prevented from being present when a former petition was disposed of, and had no opportunity to record his name on the motion not to receive the petition, for the purpose of doing so at this time, he would move that these petitions be not received, and would ask the yeas and nays on the question.

The yeas and nays having been ordered,

Mr. RIVES rose to make a few remarks, disclaiming any intention to open again the discussion which had so recently been terminated in the Senate, by any thing he had to say. Under one of the views which had fallen from the gentleman from Massachusetts, he might, with great propriety, vote against the reception of these petitions, as it was his deliberate opinion that Congress had no constitutional power to abolish slavery in the District of Columbia. But it would be very inopportune, and, indeed, he had not prepared himself to go into the discussion of the question. Nor would it be proper to offer any observations at length, after the full discussion which the subject had undergone. The sense of this body had already been expressed on this question of receiving a former petition.

He would like to have an opportunity to consult with gentlemen, especially with those whose section of country was most deeply interested in this matter; some of whom, regarding the question of reception after the former decision as *res judicata*, might now be disposed to adopt some other course. For himself, he was of the opinion that the question of the reception of the petitions did not involve any violation of the rights of petition; as it was merelya refusal to receive, where Congress had no constitutional power to act. If such a motion were proposed, and on consultation with his friends it should be regarded as the proper course, he should feel it his duty to vote against the reception of these petitions. But it might be considered by some of the southern gentlemen who had voted against the reception of the petitions, that, after the decision of the Senate, there might be another course selected. It might be a subject for consideration whether the petitions ought to be sent to the Committee for the District of Columbia, to a select committee, or to any other committee, or whether they ought to be sent with or without instructions. It was to enable him to consult with his friends that he wished for some delay, and he would, therefore, move to lay the motion not to receive on the table.

Mr. MANGUM said he had no particular objection to the motion being laid on the table, if the gentleman from Virginia would not call it up again during his absence, as he desired to record his vote.

Mr. EWING inquired what became of the memorials if the motion was laid on the table; whether they could go on the table with the motion, or be separated from it.

The **CHAIR** replied that the memorials would remain on the table with the motion.

Mr. KING, of Alabama, said he did not expect, after what had been said by the Senator from Massachusetts, that he would have taken this course. He had supposed that the Senator from Massachusetts, instead of moving a reference of these petitions, would have simply moved to lay them on the table. The course which that gentleman had taken had placed him at the head of those men who inundated Congress with their petitions. He had hoped that the subject was put to sleep, and that nothing more would be done to increase the excitement which already existed, and that the subject would not be stirred again this session. He had himself refrained from doing any thing to add to the excitement; he had taken no further share in the debate than what he had felt himself compelled by a sense of duty to take. He wished the subject to be laid on the table, and to lie there for ever; and if there was any intention to take it up again, he should vote against laying it on the table at all. A single word as to a report from the Committee for the District of Columbia. From that committee there could be no report which could have the effect of allaying excitement in any other part of the country than the North. A majority of that committee consisted of members from the northern States, and it was not likely that any report from such a committee could be satisfactory to the southern States.

Mr. WEBSTER said, in reply to Mr. KING, that he was not aware of having said any thing which could justify the remarks of the honorable member. By what authority does the gentleman say (said Mr. W.) that I have placed myself at the head of these petitioners? The gentleman cannot be allowed, sir, to assign to me any place or any character which I do not choose to take to myself. I have only expressed my opinion as to the course which it is prudent and wise in us all to adopt, in disposing of these petitions.

It is true that, while the question on the reception of the petitions was pending, I observed that I should hold back these petitions till that question was decided. It is decided. The Senate has decided to receive the petitions; and, being received, the manner of treating them necessarily arises. The origin of the authority of Congress over this District, the views and objects of the States in ceding the territory, the little interest which this Government has in the general question of slavery, and the great magnitude which individual States have in it, the great danger, to the Government itself, of agitating the question here, while things remain in their present posture in the States around us—these, sir, are considerations all intimately belonging to the question, as I think, and which a competent committee would naturally present to the Senate and to the public.

Mr. President, I feel bound to make one further remark. Whatever gentlemen may think of it, I assure them that these petitions, at least in many cases, have no factious origin, no political or party origin. Such may be the origin of some of them. I am quite sure it is not of all. Many of them arise from a sense of religious duty; and that is a feeling which should be reasoned with, but cannot be suppressed by a mere summary exercise of authority. I wish that all reasonable men may be satisfied with our proceedings; that we may so act in regard to the whole matter as shall promote harmony, strengthen the bonds of our Union, and increase the confidence, both of the North and the South, in this Government.

Mr. PRESTON next addressed the Chair. The Senator from Massachusetts, (said he,) having alluded to the opinion of an honorable gentleman, recently a member of this body, my friend Mr. Tyler, I beg leave to offer an explanation in his behalf.

It certainly was the opinion of that gentleman, at the beginning of this session, that the proper disposition of these petitions was to refer them to the Committee for the District, from which he then hoped such a report might be had as would meet the views of the South and a majority of this Senate. Upon further reflection, however, upon comparing opinions expressed out of doors and in the Senate, he came to the conclusion that such a report could not be framed; that the attempt would do more harm than good; that it was his duty to vote against the reception of the petition; and also his duty to submit resolutions, now in possession of the Senate, imbodying the result of that process of reasoning which he would have adopted had he drawn the report.

Mr. HUBBARD expressed a wish that the Senator from Virginia would not press his motion to lay upon the table the proposition not to receive the memorials. He hoped that the Senate would at once proceed to the vote upon the question of reception, and prevent any further discussion at this time; and should the Senate, as he had no doubt they would, vote to receive the petition, he presumed that some one Senator would move to lay the motion of the Senator from Massachusetts, and the petitions, on the table.

The proceedings of the Senate on Friday last satisfied his mind that it is not the intention of this body, at this session, further to agitate the question of slavery within the District of Columbia. He was entirely satisfied as to the policy and propriety of such a course. The Senate then decided, by a very large majority of its members, to reject the prayer of a similar petition to those now presented by the Senator from Massachusetts. He was anxious to wait and see what effect shall be produced by the adoption of the vote of the Senate on Friday last, and he was very unwilling to agitate this question again. He was in hopes that we should not have been asked to take any course with these petitions which would render further consideration and debate necessary. He had on his table a petition committed to his care, and if no objection should be made to the reception of the petition, he would move that it be laid on the table. But if the motion of the Senator from Massachusetts should be adopted, he might find it necessary to give a different direction to that petition from the one he had contemplated. He hoped the Senator from Virginia would not press his motion; that the Senate would receive the memorials, and that the whole subject would at once be laid upon the table, and that the Senate would suspend all further action upon this subject, until the Senate first shall ascertain the effect upon the public mind of the proceedings of the Senate on Friday last upon this subject.

Mr. RIVES, in reference to the remarks of the Senator from New Hampshire, begged leave to say that his purpose seemed to have been misapprehended by that gentleman. It was not his wish to revive the discussion, nor to create any additional excitement; but as he had stated, when he moved to lay the question on the table, (having just taken his seat in the Senate, and having had no opportunity of comparing views with his southern friends on this subject,) he wished to be enabled to do so. There were various modes of disposing of these petitions, all of which he had named, and all of which he considered as presenting questions of expediency only; it was that he might, with the light of experience reflected by other gentlemen, who had been here through the whole session, make up a clearer opinion as to which of those modes was most eligible, that he wished the subject laid over. Though he believed Congress might refuse to receive a petition, without violating the constitutional guarantee on the subject of petitioning, he was not prepared to say it was expedient, under the present aspect of this case, to exercise the right. It was far from his wish to raise any discussion again on the subject, and he regretted that his motion had given rise to it.

The motion not to receive the petitions was laid on the table.

Mr. EWING, of Ohio, presented a petition of a similar character from sundry citizens of Ohio, and moved to refer it to the Committee on the District of Columbia.

Mr. PORTER demanded the question on the reception of the petition; and

Mr. LEIGH moved to lay the question on the table. For the reasons stated by his colleague, [Mr. RIVES,] this was a proper disposition to make of all such petitions as had been presented or might be presented today.

The motion to lay the question as to reception of the petition on the table was decided in the affirmative.

PRE-EMPTION RIGHTS.

Mr. WALKER, in pursuance of notice given, asked and obtained leave, and introduced two bills; one providing for the extension of the time of proving certain pre-emptions granted under the act of the 19th of June, 1834, where such proof had been prevented by the want of public surveys; and the other bill to extend the time for proving certain pre-emption claims granted by the same act, where such proofs had been prevented by the opposing location of certain pretended Choctaw reservations. These bills were severally read twice by general consent; and

Mr. WALKER moved to refer them to the Committee on Private Land Claims.

Mr. CALHOUN moved to refer them to the Committee on the Public Lands; and advocated this motion by contending that they involved the policy of the Government in regard to the pre-emption law, to the further extension of which, he believed, a large majority of the Senate was opposed.

Mr. WALKER replied, that the present bills did not involve an extension of the pre-emption system; that the claims embraced in the bills now offered were already vested rights under the act of 19th June, 1834, and were now obstructed in the proof by no fault or neglect upon the part of the owners. That after these claims had been vested by an act of Congress, the proprietors had, in many cases, made extensive and valuable improvements; that gins, Mr. W. believed, had in some cases been erected; and that, after all this had taken place, to set up these lands again at public auction, or to locate other claims over them, would be an act of spoliation which he hoped this Government would never commit; that these were private land claims, and that the committee on such claims was the proper one to which to refer these bills; that to send them to the Committee on the Public Lands, upon the principle already reported by that committee, would be to ensure a report against some, if not all, of these bills. Mr. W. took this occasion to declare that, although these bills did not involve the general pre-emption system, yet he should press the adoption at this session of a standing pre-emption law, so guarded as to prevent the perpetration of any future frauds on the Government; that he should also press the reduction and graduation of the price of the public lands, in favor only of the actual settlers, and the sale and entry of all the public lands in forty acre lots. Mr. W's motion to refer these bills to the Committee on Private Land Claims prevailed.

The Senate then resumed the consideration of the bill to distribute the proceeds of the sales of the public lands among the several States.

Mr. EWING, of Ohio, resumed and concluded his speech, as given entire in the preceding pages. After which,

The Senate went into the consideration of executive business. When the doors were reopened,

The Senate adjourned.

Thursday, March 17.

THE DEPOSITE BANKS.

Mr. WEBSTER rose to move for the printing of 3,000 extra copies of the statement of the affairs of the deposite banks, transmitted by the Secretary of the Treasury.

In making this motion Mr. W. called the attention of the Senate to the document from the Treasury, showing the state of the deposite banks at the latest dates. He quoted from the tabular statement some of the leading facts. The immediate liabilities of the banks amounted, it appeared, to nearly seventy-two millions of dollars, viz: the public deposites, $30,678,879 91; the private deposites, $15,043,033 64; the bills in circulation, $26,243,688 36.

The amount of specie held by these banks, it further appeared, was $10,198,659 24; that is to say, there is less than one dollar specie for six dollars debt; and there is due to the Government by those banks more than three times the amount of all the specie.

There are other items (said he) which swell the amounts on each side, such as debts due to banks, and debts due from banks. But these are only equalling quantities, and of no moment in the view I am taking of the question.

Among the means of these deposite banks I see an item of "other investments," of no less amount than $8,777,228 79. What is meant by these "other investments," I am not informed. I wish for light. I have my suspicions, but I have no proofs. Sir, look at the reported state of the Farmers and Mechanics' Bank of Michigan, the last in the list. The capital of that bank is only $150,000. Its portion of the public deposites is no less a sum than $784,764 75. Now, sir, where is this money? It is not in specie in the bank itself. All its specie is only $51,011 95; all its discounts, loans, &c., are only $500,000, or thereabouts; where is the residue? Why, we see where it is; it is included in the item "due from banks, $678,766 37." What banks have got this? On what terms do they take it? Do they give interest for it? Is it in the deposite banks in the great cities? and does this make a part of the other liabilities of these deposite banks in the cities? Now, this is one question: what are these other liabilities? But, as to these "other investments," I say again I wish to know what they are. Besides real estate, loans, discount, and exchange, I beg to know what other investments banks usually make.

In my opinion, sir, (said Mr. W.,) the present system now begins to develop itself. We see what a complication of private and pecuniary interest have thus wound themselves around our finances. While the present state of things continues, or as it goes on, there will be no lack of ardor in opposing the land bill, or any other proposition for distributing or effectually using the public money.

We have certainly arrived at a very extraordinary crisis; a crisis which we must not trifle with. The accumulation of revenue must be prevented. Every wise politician will set that down as a cardinal maxim. How can it be prevented? Fortifications will not do it. This I am perfectly persuaded of. I shall vote for every part and parcel of the fortification bill reported by the Military Committee. And yet I am sure that, if that bill should pass into a law, it will not absorb the revenue, or sufficiently diminish its amount. Internal improvements cannot absorb it: these useful channels are blocked up by vetoes. How, then, is this revenue to be disposed of? I put this question seriously to all those who are inclined to oppose the land bill now before the Senate.

Sir, look to the future, and see what will be the state of things next autumn. The accumulation of revenue may then probably be near fifty millions; an amount equal, perhaps, to the whole amount of specie in the country. What a state of things is that! Every dollar in the country the property of Government!

Again, sir, are gentlemen satisfied with the present condition of the public money in regard to its safety? Is that condition safe, commendable, and proper? The member from South Carolina has brought in a bill to regulate these deposite banks. I hope he will call it up, that we may at least have an opportunity of showing, for ourselves, what we think the exigency requires.

Mr. BENTON said that he rose to second the motion made by the honorable Senator from Massachusetts. This was a subject worthy of the attention both of the Executive and of Congress. There was a vast expansion of paper currency, and gentlemen would perceive that the United States Bank was very far from being the regulator of the currency, for the reason that it had set the example of such expansion. This was unjustifiable on the part of that institution, and not the less so on the part of these deposite banks. He utterly condemned the conduct of both. He was at present amicably disposed, but held himself prepared for war against all banks. He should not now either defend or extenuate their conduct; but he had a hand as ready to strike against them as it was in the case of the United States Bank. He objected to a national paper currency in toto: and he had a series of measures on the subject carefully prepared, and which, at a proper time, he should present for the consideration of the Senate.

Mr. CLAY said that he had attentively examined the document to which the attention of the Senate had just been called, and was seriously impressed with the alarming state of the thirty millions of the public money which was reported to be in the deposite banks. It appeared that the aggregate amount of all the capitals of those institutions was only forty-two millions of dollars, whilst the public had, or ought to have, in their vaults thirty millions. In various instances the amount of the public deposite far exceeded the capital of the banks. Among others, the capital of the Savings Institution at Louisville was stated to be $96,460, whilst the sum of $337,377 43 was deposited to the credit of the Treasury, besides the sum of $80,500 98 on account of private depositors. Of the two banks in Michigan, one had a capital of $419,779 99, and the sum of $828,698 60 in public deposites, and the other a capital of $150,000, and public deposites to the amount of $784,764 75. And if we look at the commercial metropolis of the Union, where near ten millions of public money are deposited with three banks, in every instance the amount of the public deposite exceeds the capital of the bank.

Now, the security of this vast sum of public money is an object of great importance. Let us see what it is. Those deposite banks are under total liabilities to the enormous amount of nearly seventy-eight millions of dollars, for payment of which they may be called on any one of the 365 days of the year. And what amount have they to meet these liabilities, in the event of any such immediate call? Only about ten millions of specie! Only one dollar in about eight! The principal part of their other means consists of notes discounted and bills of exchange negotiated. But if there come any sudden pressure, if that convulsion in the paper system of which every considerate man feels a consciousness shall take place, these means will be found altogether unavailable to enable the deposite banks to fulfil their engagements. Suppose a failure in the southern crop, or a great reduction in the price of southern staples, the wants of commerce would require the exportation of specie to supply the deficiency. The banks would have to furnish this supply, which they could only do by calls on their debtors. The example of one bank calling in for such a purpose would become contagious. Great distress would ensue; and a crash, if the demand for exportation of specie should be great, would be inevitable, and ruin and bankruptcy the necessary consequences. In such a state of things, where would be the ability of the deposite banks to refund the amount of the public deposites? What would become of the thirty millions of the public treasure now in their possession?

There is another interesting view of this subject. We have collected from the people, and now have in those banks, $30,000,000. Who is the real debtor to the public for that sum? Not the banks. They are, indeed, the nominal debtors; but they are, in fact, mere agents. The real, substantial debtors to the public are the debtors to the banks who have borrowed the public money. And we do not know who they are. The public is in the most singular condition of being a creditor to the large amount of thirty millions of dollars, without even knowing the names of its actual debtors.

But it is not the insecurity only of this vast amount which ought to challenge the serious attention of Congress and the public. The distribution of it among the different parts of the Union, whilst it remains unappropriated by law, is a most material circumstance. No one can believe that, unless some such scheme as the land bill is adopted, there will be a less sum constantly on deposite, for some time to come, than the present sum. Assuming it to be thirty millions, the annual interest at six per cent. upon it would be one million eight hundred thousand dollars. Now, who ought to have this interest? The public, undoubtedly. Who gets it? The deposite banks, and their shareholders. And how is this thirty millions distributed? In the State of New York, with about one seventh of the population of the United States, there is deposited one third of the whole sum of thirty millions; and in Kentucky, which, on a fair division, would be entitled to about a million and a half, there is deposited only about $337,000. In other States and sections the disproportions were equally striking.

He was aware of what might be said. He was aware that it might be alleged that the deposites of the public money were made where the collections were made. But surely the incidental, as well as the direct, advantages in the administration of this Government are worthy of consideration. The accidental circumstance of the place of collection ought not to give to that place peculiar advantages, to the exclusion of all other parts of the Union. It was not so when the Bank of the United States was the financial agent of the Government. Then, by means of its branches, the benefit of its being the depository of the public money was diffused throughout the Union; and the Government, as a stockholder in it, received a fair proportion of the profits. And the true remedy for the inequality which he had stated would be found in the distribution proposed by the land bill, and in avoiding always the accumulation of any unnecessary surplus.

Mr. C. said that he had intended to call the attention of the Senate to this document, in the course of the debate on the land bill, and for that purpose had directed the preparation of a table. But as the subject, unexpectedly to him, had been adverted to by the Senator from Massachusetts this morning, he felt it due to the occasion to make the observations which he had submitted.

Mr. CALHOUN said that, until he saw this document, he had no conception of the great and imminent danger which awaited us. No man now, however, could deny or shut his eyes as to the cause of it. Its commencement took date some three or four years back; and its results had been distinctly foreseen, by himself at least. The disease is on us, and there is a fearful responsibility somewhere as to its cause. This is the point. Something must be done, and done speedily. Delay till this session has passed, and a wound will be inflicted on our currency and our country, from which neither will recover. All who have any of this worthless capital in their possession will be rushing to invest it in the public lands. And shall we stand calmly by, and permit this fraud? Shall this Senate enlist on the side of speculators and swindlers? Sir, a worse state of things is, we are on the eve of a frightful political catastrophe —a catastrophe which will terminate in nothing but the government of the strongest. He understood these military schemes; they were leading, by a rapid and fiery process, to absolute despotism. The Government was no longer elective; it had become hereditary. The demoralizing influence of gold has been already exercised: the age of steel is coming; and with steel will the conflict close. Vain will be the efforts of patriotism, of virtue, of eloquence, to withstand the advances of arbitrary power. The great and durable interests of society will be destroyed, and executive power will rise over them, strong in the ruin of every counteracting authority; strongest in the possession of consolidated power.

Some honest and equitable manner of getting rid of this surplus revenue must be devised. He put it to the gentleman from New York, [Mr. WRIGHT,] whether fifteen millions of money, belonging to the whole country, ought to remain at the disposal of his particular constituents? Will he, as a friend of his country, permit this robbery? He was confident that the Senate would not adjourn without applying some remedy. Let all party feeling be put aside. Let Senators consider themselves as citizens of the confederated States, sent here to legislate for the whole Union. He felt under great obligation to the Senator from Massachusetts for the motion he had made. He trusted it would prevail. Let the document be printed, and, take my word for it, (said Mr. C.,) it will be considered as a phenomenon in the eyes of all Europe. The disease which is spreading over the whole body politic demands, and should receive, our notice. Let us break up this stagnant pool, and throw back upon the people the treasure which is legally and equitably theirs.

Mr. WRIGHT said the gentleman from South Carolina had asked him one most important question, and he had asked it most improperly. He had asked me, Was I a friend to my country? In the position (said Mr. W.) in which I stand, the answer to that question is not with me. I am willing for my conduct to reply. Proudly will I place myself by the side of the Senator from South Carolina, and let our acts be canvassed together, and let them give the answer; I will not answer. The Senator from South Carolina had complained loudly of the inequality of the deposites, as they were now distributed. Would he not throw back his recollection, and remember what occurred only two years ago, when we were told, and by no Senator in more emphatic terms than by that gentleman, that the transfers of drafts by the Secretary of the Treasury were violations of the constitution? Did not the strongest denunciations come from that Senator, as well as from the Senator from Kentucky, on account of a transfer of Treasury drafts from one bank to another? Yet, now the complaint is that these deposites have not been transferred. The argument could have no other bearing. Was not all the money which lies on deposite in the New York banks collected in the port of New York? Gentlemen do not believe that this could have been transferred. Is the Department to be complained of because the public money has thus accumulated in those banks? The money has been suffered to accumulate, for there was no authority by law for the Department to transfer it, and the greater part of it had been collected in New York. Hence arises the inequality in the distribution of the deposites, and not from any action of the executive department. He had been greatly astonished to hear this complaint of the gentleman from South Carolina treading so closely on the heels of the other complaint, that drafts had been unconstitutionally transferred by the Department. If there had been no law passed to regulate the deposites, was the Executive to be made responsible for that omission? It did not seem to be just that he should.

It was far from his purpose, coming into his seat, as he had done, after this motion had been made, and not having had an opportunity of looking over the document, to enter into an argument as to the security or insecurity of the public money. He had, as yet, made up no opinion of his own on the subject, but he might be allowed to say that he did not feel so much apprehension on the subject as some gentlemen appeared to feel. Perhaps he did not feel enough of apprehension. But, certainly, whatever the danger in this case may be, it could not be ascribed to any fault of the Executive.

Mr. CALHOUN said that the Senator from New York had displayed his usual tact and ingenuity in the remarks which he had just made. He (Mr. C.) had stated the existing evil as it stands. He had said that there was fifteen millions of the people's money in the deposite banks of New York, and that these funds were used without interest. He did not question the Senator's patriotism; he only appealed to it. The gentleman, however, had given to his remarks a totally different turn. As to transfer drafts, he would rather the money should remain where it was, than give to the Secretary of the Treasury the power of issuing them.

The gentleman wishes to know why a remedy was not offered before. Did not he (Mr. C.) offer one? Did he not introduce a bill which would have met and obviated these evils; and was it not lost in the other House? As to any comparison of his political life with that of the Senator from New York, he was perfectly willing to go into it at any moment when the gentleman saw fit. He should not shrink from any comparison which should involve forecast, patriotism, and a manly meeting of responsibility. The majority in this body had changed, and in some measure he rejoiced at it; for the Executive and those who supported him had now the whole responsibility.

Mr. WRIGHT begged to disclaim any thing like personality of allusion. It would be vanity indeed in him to put his humble services in competition with the long and valuable services of the Senator from South Carolina. But he had understood that gentleman as characterizing the great accumulation of the deposites in the New York banks as a robbery of his constituents. If the bill of the last session had passed, would there have been any alteration in the present state of things? He would read an extract from that bill; it ran thus:

"That the public funds shall not be removed from the banks in which they are now or may hereafter be deposited, without the consent of Congress, except in cases where the Secretary of the Treasury shall, in his opinion, have good cause to apprehend that the funds are insecure, or where a bank of deposite shall neglect to comply with the provisions of this act, or refuse to perform the duties or conform to the conditions or regulations which the Secretary of the Treasury is hereinafter authorized to prescribe."

This was the regulation of the bill on that part of the subject. Would the situation of the deposites, then, have been in any way altered if this bill had passed? Their distribution, it was true, would have been regulated by law, which would have been highly proper, but the situation of them would have been in no degree changed. This was the part of the subject in which he most particularly desired to be understood. As to the fault of the accumulation of the deposites in New York, it was not in the executive department. The Senator had asked why some measure of regulation had not been proposed? He should have recollected that the Secretary of the Treasury had recommended to Congress the course of action on this subject which he had supposed to be the best.

Mr. CALHOUN said that the Executive had a fixed majority in the other House; we poor Senators, who were called a factious majority, had done all that was possible to avert these evils. Why were we not seconded by the friends of the administration in the other branch of Congress? The Senator could answer that question if he chose.

There were three measures introduced in this body which would have had the desired effect: one to take away from the Executive the power, by means of the public treasure, of disciplining and regulating the ranks of his party; another, to regulate the deposites of the public money; the third, a proposition so to amend the constitution as to permit the distribution of the surplus revenue equitably among the whole people. All his reasoning on this last subject was pronounced wild and visionary. There was no prospect of pushing it through at the last session; and he had thought it better to let it sleep over until the amount of the surplus was ascertained.

The Senator from New York wishes us to turn our eyes upon the past. He (Mr. C.) wished to consider the future; and it was for this purpose he had endeavored to awaken the attention of the gentleman. The subject was indeed full of interesting considerations. It was the greatest and most momentous question that had ever occupied the attention of the nation.

Mr. BENTON said he could not help interfering in the debate. He could not sit there, without pointing out that this affair of thirty millions of surplus revenue was all an illusion. There was no such surplus. There appeared to be such a surplus, because Congress had reached the fourth month of their session, and the appropriation bills had not yet been passed. The money which appeared to be a surplus was all pledged to various objects, the appropriation bills for which were yet to be passed. He thanked gentlemen for reminding him that the majorities had changed in the Senate. And he meant now to admit to the American people that the majority should be responsible, hereafter, for the public business. Yes, four whole months had passed away, the time for laying in the materials for erecting fortifications was going by, and no appropriation bills had been passed. He was determined hereafter to ask the yeas and nays on every question, in order that it might be seen who would obstruct the public business. At the very moment when a vote was about to be taken on the fortification bill, it was decided, by a vote taken by yeas and nays, that this bill should be stopped for the purpose of taking up the bill to give away the public lands. It was an illusion to talk of thirty millions surplus revenue. It was an illusion, because the appropriation bills had not been passed, no, not even the Cumberland road bill; for, although that bill had passed the Senate, it did not pass until after an account had been made out by the Department, and the most injurious delay had taken place. And now, having made up a showy account, we are to tell the people that this money is improperly distributed; that ten millions are given to one State, and a million and a half to another. It was all an illusion. It was putting out a golden fly, a false bait, to catch the people. He had determined to call up the defence bills early next week, and see if the public business was not to be carried on, now that the Jackson party had the majority.

Instead of calling on the Treasury Department for a return of the amount of the revenue in the treasury at the date of the last examination, why did not gentlemen call for the amount of surplus revenue which there would be after all the appropriations of the session shall have been paid? The appropriation bills had been delayed for four months to swell this mass of apparent accumulation; and when it had been swelled as much as possible to the highest point, it is held out to the people that there is a surplus of twenty-seven millions to be divided among them. Although there seems to be so large a sum in the treasury, before the adjournment of Congress appropriations must pass which will dispose of fifteen or twenty millions. Let no gentleman decide, even for himself, what will be required in our navy yards and for our fortifications. Hitherto a few works have been commenced at a time, and those have been finished before others have been commenced. But it may now be necessary to begin at once at many different points. A resolution has been passed calling on the President for a return of all the points on our coast at which fortifications are required. The report, in answer to that resolution, may be expected daily. Gentlemen, therefore, should not commit their opinions on these points. Every thing which could be spared ought to be expended on the fortifications.

The evil of the infliction of paper he would only touch for the purpose of referring to a remedy. That remedy would be found in the first act of Congress after the formation of the constitution. The act of 1789 provided that nothing but gold and silver should be received in payment of the public revenue. He hoped this would be the case again. He hoped the Senate would not rise without being called on to give a vote on this question.

The danger which had been referred to was not so great as gentlemen seemed to apprehend. About a year ago it was astonishing to see the amount of gold and silver which came into this country. Since that time we had seen no such accounts, because the country had been flooded with paper, which at first prevented the inundation of specie, and then drove out of the country what had found its way here. He should call on the Senate for a vote on this question before the adjournment.

Mr. EWING said he believed it had not been usual, before the final discharge of the national debt, to have at any one time in the treasury money enough to discharge all the existing appropriations; indeed, it had never been the case at the commencement of the year. The Senator from Missouri was therefore wrong in saying that the surplus in the treasury was chargeable, or would be chargeable, with the appropriations of the current year. Those appropriations are always expected to be paid out of the accruing revenues. For example, if we had now in the treasury but five millions, instead of thirty millions, can it be doubted that we might safely go on and appropriate twenty-five millions, if necessary, for the current year, and be secure in the prospect of receiving from the customs alone money enough to meet and cover the expenditures? The gentleman from Missouri knows well—none better than he—that we might. How, then, can he urge that the present surplus is or will be chargeable with future expenditures? On the contrary, the receipts of this year will, beyond all doubt, very much exceed the expenditures. The surplus, instead of being diminished, must continue to increase.

The Senator from Missouri says the appropriation bills are kept back to an unusually late day in the session, for the purpose of swelling this apparent surplus. By whom kept back? Those bills do, in the regular course of things, originate in the House of Representatives; they are sent to the Senate, and then, and not till then, acted on here. Well, we have not yet heard from them; they have not come to us; and, if they are kept back, it is by the friends of the administration in the House, with whose doings and motives the Senator from Missouri is probably better acquainted than I am. This only can I say: those bills have not been kept back here for any such purpose.

I feel fully and sensibly the danger to which the public money, and, what is of more importance, our currency and the business of the country, are exposed from the unsound condition of the deposite banks. I glanced my eye this morning over the returns from those banks, which were laid on our tables yesterday, and I felt fully all the danger from that state of things which has been so clearly and forcibly developed by the chairman of the Committee on Finance. There is no safety in those depositories of the public money. There is no safety or soundness in the currency of the country, so far as the notes of those deposite banks mingle with or form a part of it. Besides, I could not but be struck, and forcibly, with the perfect control which the Executive has, if he see fit to exercise it, over all these banks, and, with them, also over the whole long list of directors, stockholders, and debtors. Of the thirty-five banks in which the public money is deposited, there are but eight which would not be crushed at once, if the public deposites should be at once withdrawn from them. There are twenty-seven of them that could not pay the amount of those deposites on demand, even if no other creditor should call on them. They are fettered, bound by a golden chain, the ring of which is in the hands of the Secretary of the Treasury. They could not, and they dare not, move contrary to his bidding, if he see fit to direct them to any end or object.

Is this a state of things which any one who is a friend to his country, no matter to what party he may belong, would wish to continue? But, unless some efficient remedy be applied, continue it must, and with constantly increasing aggravation. Let the present order of things remain unchanged during this year, and the surplus in the treasury will have arisen to fifty millions—a sum which will probably exceed all the specie in the United

States. If the deposites shall then be so extended as to reach all the principal banks, the great depositories of specie, the Executive will have the whole solid medium of the country in his power, and may control it at pleasure.

Mr. **WALKER** said he did not rise to enter into the discussion, but merely for the purpose of stating a fact. The remarks of the Senator from Ohio seemed to lead to the conclusion that the public money in the deposite banks might be used for political purposes. He felt himself called on, therefore, to state that such was not the fact so far as Mississippi was concerned. The Planters' Bank of Mississippi had more of the public deposites than any other bank in all the western part of the country. The directors of this bank were gentlemen opposed to the party which is called the party of the administration. The gentleman who stood at the head of the opposition ticket [Mr. Lynch] was the president of the branch of the deposite bank; and the gentleman who stood as a candidate for Congress at the head of that ticket [Mr. Wilkins] was the president of the deposite bank. After the result of that election was decided against him, he was run as a candidate for the United States Senate. So far, then, as the Mississippi bank was concerned, the public money could not be said to have been used for political purposes by the party called the party of the administration. He believed that the same would be found to be the state of facts in relation to all or most of the other banks. In fact, the whole of this paper system was against the party called the party of the administration--it was against the people. And whether the public money shall be deposited in a national bank, or in deposite banks throughout the States, instead of being likely to be used for the people, it will be used against them. If money, if dollars and cents, were to control, instead of the votes of freemen, there would be a different party at the head of the Government than that which is now placed there. Count dollars and cents instead of votes, and the Government of the country would be in different hands.

Mr. **BLACK** said that politics had nothing to do with the election of the directors of the deposite banks in Mississippi. He believed, indeed, that they were opposed to the present administration, and that this was true of the moneyed interests in his State generally. Money was no test with them, nor did it influence their elections.

Mr. **WALKER** explained that he did not mean to cast any censure on the Planters' Bank of Mississippi.

Mr. **EWING** said that the Senator from Mississippi [Mr. WALKER] misunderstood him. He did not say that the Executive had exercised this power, but that he could if he chose. There was a difference between the having of a power and the exercise of it.

The motion was then agreed to.

MAIL CONTRACTS.

Mr. **GRUNDY** offered the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expendiency of authorizing permanent contracts to be made for the transportation of the mail with the different railroad companies, or such of them as may be willing to make contracts for that purpose, upon such terms and under such restrictions as may be prescribed by law.

Mr. **CLAYTON** expressed his acquiescence in the resolution, and hoped that the views of the Department would be extended to railroads about to be constructed, as well as those which are already in operation.

Mr. **GRUNDY** replied that he concurred in the extension of the contracts, and the advance of the money to such railroads as might be so far completed as to enable them to render service to the country.

Mr. **WEBSTER** referred to certain resolutions on the same subject, submitted by him at the commencement of the present session, and, after some observations, he stated that he should, when this resolution was adopted, move the reference of his resolutions to the same committee.

Mr. **PORTER** made a few remarks, and Mr. **CALHOUN** had obtained the floor; when

Mr. **GRUNDY** (to check the discussion) withdrew his motion for consideration, and the resolution lies for consideration until to-morrow.

LAND BILL.

The Senate proceeded to consider the bill to appropriate, for a limited time, the proceeds of the public lands; when

Mr. **HILL** rose and addressed the Chair as follows:

Mr. President: Congress has now been in session more than three months: the bill for the distribution of the proceeds of the sales of the public lands was introduced during the first month. A most fascinating argument was first presented by the Senator from Kentucky [Mr. CLAY] in favor of the bill, and the circulation of this argument has been coextensive with the limits of the Union. It was followed by an elaborate report of the Committee on Public Lands, embracing another elaborate report of a former committee, five thousand copies of which have been printed by order of the Senate. In addition, the subject has been moved in the Legislature of nearly every State which has been in session during the past winter, in which direct appeals to the interests of the several States have been made. The sum to be divided has been enormously magnified, embracing in a single dividend the ordinary nominal receipts from the lands of half a dozen years, for the purpose of making the appeal more forcible and more effectual; for nearly three months the people of the United States have had only an *ex parte* view of this question; the argument in Congress has been altogether one-sided. Whether it be intended to pass the bill, or only to hold it out to the people as a gilded bait to tempt them away from the support of those men who oppose it, it is high time an examination of both sides of this question should be had before the public; and as the reasons in favor of the bill are spread over much ground, this must be my apology for occupying a larger portion of time in discussing this subject than I could otherwise have wished.

When the bill appropriating the proceeds of the sales of the public lands was before the Senate in January, 1833, I then stated my objections to it to be the following, viz:

That the distribution would have a demoralizing effect on the States and people who are the recipients:

That the tendency of such distribution would be to reduce the State Governments to abject dependence on the Treasury of the nation:

That it created a necessity for raising, by taxation on the consumption of the country, an equal and even a greater amount than the sum distributed:

That it was a bad policy to raise money for the purpose simply of distributing it among those who have originally contributed it; the expense of collection and the use of the money collected during the process being a dead loss:

That the true policy was a reduction of taxes on imports, rather than to gather money from the people to be distributed and expended on objects of internal improvements and education from the national treasury:

That the distribution could not be equally applied in the several States, and would engender local strife and scrambling in the several legislative bodies which should direct its application:

That projects for internal improvements would be started in the several States, involving expenditures greater than the land fund would discharge, creating a necessity for further taxation to supply the deficiency:

That, applied either to purposes of education, or to colonization in Africa of the black population of this country, the money could not be equally or equitably appropriated:

That a most decisive objection to the bill was its inequality, giving to seven of the new States nearly one third of the whole amount, while an equal distribution would entitle the same States to one sixth; and this, besides presenting to some of the same States half a million of acres each, together with other previous donations of lands to all of the new States:

That the proportion which the distribution gives to the old States would not amount to the proportion paid into the treasury by the same States, and expended in purchasing titles to the same lands, in annuities and other Indian expenses, and in expenses for managing the public domain:

That, up to the time the bill was introduced, the proceeds of the sales of the public lands fell short of the expense of purchase and management, to the amount of more than eleven millions of dollars:

That the debt for which the public lands were pledged, the debt of the Revolution, had not by those lands been discharged; that they ought first to supply the place of money collected from impost duties which had been applied to the discharge of the national debt; and that they ought further to be applied to pay millions of dollars which the law had made necessary to be paid in years to come:

That the cessions by Virginia and Georgia to the Union never contemplated that the lands reserved to the Union as a "common fund" should be sold to fill the coffers of Massachusetts, Maine, and Connecticut; which latter States were already enjoying the proceeds of lands each of them had retained to itself:

Finally, that the framers of the constitution never contemplated the distribution of the funds of the nation, however raised, among the several State Governments.

It has become exceedingly fashionable, of late years, for politicians of a certain cast to ride some favorite hobby. The internal improvement hobby has been ridden in either branch of Congress till the animal had been absolutely broken down. Appeals have been made to the avarice of citizens in every section of the country where votes were most wanted, by proffered appropriations from the treasury, till the gilded bait would no longer be swallowed; and now the distribution of the proceeds of the sales of the public lands for a series of years—a retrospective distribution of the money which had already been expended and paid out—comes up to take the place of other projects which have failed either to benefit the people, or to raise their authors to the stations and consideration they have sought.

Thus far the projects of gentlemen have notoriously failed. The taxes on various imported articles had been reduced; and so far from ruining the manufacturers, as had been predicted, manufactures had flourished. The people had been saved millions in taxation, in the cheapening of articles of consumption; and yet more money was collected for the Treasury than was wanted for the public expenditure. How sadly had been the predictions of the enemies of this administration verified! If those enemies have not succeeded in their predictions of distress and ruin, may they not now obtain some credit by surmounting the barriers of the constitution, and distributing to the four winds the treasure which a prosperous and provident administration has amassed?

I will present a summary statement which I have procured at the Treasury, going to show, not how much has been distributed to the States, but how much has been saved in the pockets of the consumers by the reduction of duties which the friends of this administration have been able to make in the tariff since the year 1829. I know there are gentlemen, who are not the friends of the administration, who claim to themselves the compromise bill of 1833. But the blow against a high tariff was struck, first by a reduction of duties on coffee, cocoa, and molasses, made by Congress in 1830, and a still further reduction on coffee, on teas, and on salt, in 1831, followed up by a more effectual blow in 1832, by which still further reductions were made on some of the same articles, and great reductions made on wool and woollens, on the various manufactures of cottons, silks, and linens, on sugars, on iron and its manufactures, on crockery and glassware, on indigo; and by which, teas, coffee, almonds, currants, figs, and raisins, pepper, pimento, &c., were made duty free. These several reductions were hard fought in both Houses of Congress; the opposition generally was all on one side of the House, and the several bills struggled through a long contest, on the point of being defeated at many stages by the interposition of propositions furthering some sectional interest, by offering to sacrifice some other sectional interests.

Well, sir, all these reductions, with the anticipation of more, did not satisfy South Carolina. She had made up her mind to nullify the laws, and to break up the customs altogether; she arrayed herself against the Government of the Union. Some of her principal men lashed her population into a whirlwind of passion, which could not be controlled. They found affairs approaching a crisis which must involve their State in bloodshed and civil war; they became alarmed; they retraced their steps; they were glad to find any pretext for escape. The compromise; a compromise between two extremes; between those who had contended up to that moment that southern agriculturists and northern manufacturers had diametrically opposite interests, which never could, and never should, be reconciled; a compromise was effected, not so much to benefit any particular interest as to relieve South Carolina from her unpleasant dilemma. This compromise effected no immediate important reduction of duties from the act of the previous year; it reduced the duties on some articles and raised them on others, while it contemplated a still further prospective reduction of duties at a future time.

I voted for this compromise bill, as I have voted for every other bill for reducing duties that has come before Congress during the last four sessions; but I voted for it with the disclaimer that I did not consider myself, nor the people of my State, bound by the compromise. In my place I there declared of this bill "that the reduction of duties was not as rapid as the public sentiment of my State called for;" that "the people of New Hampshire, for their own sakes, wanted a large reduction of the taxes on all articles which they consume, when those taxes are no longer needed for the support of the public expenses;" and that "they would not allow their Senators or Representatives to pledge the public faith that the reduction shall not be more rapid."*

A reduction has been made, and events have shown that even a greater reduction might have been made without detriment to the public interest. This reduction has been effected in spite of prejudice and of passion, in favor of what was called the "American system." The reduction has had the effect on the revenue of the six last years, exhibited in the following statement of the amounts of duties which actually accrued on merchandise imported during the years 1829, 1830, 1831, 1832, 1833, and 1834, compared with an estimated amount of duties which would have accrued had the tariff of 1828 been continued:

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* Gales & Seaton's Debates, vol. 9. part 1, page 703.

Years.	Which actually accrued.	Which would have accrued under the tariff of 1828.	Amount of annual reduction.
1829	$27,662,461 65	$27,662,461 65	
1830	28,282,964 95	28,468,441 64	$185,476 69
1831	36,559,383 41	40,288,108 72	3,728,725 31
1832	29,310,894 78	36,615,401 06	7,304,506 28
1833	24,152,674 66	43,942,264 69	19,789,590 03
1834	19,648,062 00	43,517,757 60	23,869,695 60
			$54,817,993 91

By the change of duties, about fifty-five millions of dollars (eleven millions a year) had been saved to the people, up to the expiration of the year 1834. Thirty millions at least might be added for the year 1835, making eighty millions of dollars for the last six years; or an average of more than thirteen millions of dollars in a year, and twenty-five millions for each of the last three years, saved in the pockets of the people by the reduction of the tariff. The sum saved already is nearly four times as much as the bill proposes to distribute among the States, and the proportion will be two millions of dollars to the State of New Hampshire; three millions of dollars to Maine; four millions and a half to Massachusetts; eight hundred thousand to Rhode Island; two millions two hundred thousand to Connecticut; and two millions one hundred thousand to Vermont.

That a great degree of the prosperity which pervades the whole country is due to the reduction of the tariff, is a proposition susceptible of demonstration. Suppose, for instance, that the single State of New Hampshire had imposed a direct tax upon its citizens to the amount of four hundred thousand dollars a year; the amount that has been saved by the reduction of duties, and much less than the amount that will be hereafter saved; would not the abstraction of that amount from the pockets of her citizens, even though it should go into her State treasury, have been quite sufficient to produce a general scarcity of money among her farmers?

As the case is, the money has been left in the possession of the people. And it is not simply the amount of the reduction of duties that has been saved; it is the profits on the amount of duties of factor, merchant, and retailer, that should be added to the amount of reduction of duties. On teas, from 25 to 50 cents per pound; on coffee, 5 cents; on raisins, 4 cents; on mace, one hundred cents; on nutmegs, sixty cents; on pepper, eight cents; on salt, ten cents per bushel; on worsted stuffs, 27½ cents per yard; on linens, 27½ cents; on silks 22 to 36⅔ cents per yard; on blankets, 13 to 33½ per cent.; on India piece goods, 26; on cottons, 2½; on iron-wood screws, 14 cents per pound; on lead, 12½; on indigo, 35; on Leghorn hats, 25 per cent.; on manufactures of steel and iron, 8 to 14 cents per pound. These are some of the items, coming into the use of every family in the country, for its sustenance and comfort, on which there has been a saving; and those savings, to every prudent and temperate man in the community, have contributed to make him better off; they have made the hitherto extremely poor, and the stinted, to have a sufficiency; and they have made the coffers of the moderate in pecuniary means to overflow. About two millions of dollars have been saved in five years, to the people of the State of New Hampshire, by a reduced tariff. This saving, together with the change that has taken place in the consumption of ardent spirits, and the consequent increased industry of its producing population, has placed the independent yeomanry of that State in a condition that might be envied, even by those who have been habituated to circumstances of more ease in the higher walks of life.

Another material fact has been demonstrated by the reduction of the tariff; and this is, that never have the great manufacturing interests been more prosperous than since this reduction. The compromise, as it is called, was calculated to effect the manufacturing interests less favorably than almost any change that could be devised. Thus, the duty was taken off entirely from silks manufactured this side the Cape of Good Hope, from silk and worsted, and from linens, while the duty on manufactured cottons was reduced a mere trifle, and that on woollens not much more. The result has been that the free articles have extensively taken the place of the highly taxed articles, so that in effect the protection on cottons, especially, is little better than that on the free articles themselves. Yet, although silk goods come in duty free, this does not prevent the enterprising citizens of the country from planting mulberry orchards, and preparing for the extensive production of silk in this country. Now, if the imposition of duty furnishes any protection, would it not be prudent to impose a small tax on silks, which are free of duty, and bring down the duty on cottons to the same medium?

The idea of protection of manufactures by imposition of a high duty, while the expectation of the manufacturer is to dispose of his articles in a foreign market, is preposterous and absurd. Protection at home cannot reach the market abroad. If the price of wool be raised by a protective duty, the raised price of the article increases the expense of the manufacturer, and lessens his ability to go into a market abroad, or to compete with foreigners at home: if the duty be taken off of wool, while the high duty is kept up on the manufactures of wool, this will increase the gains of the manufacturer at the expense of the wool producer. In either event, the increased duty acts against the interests of the other; so that what is the manufacturer's gain is the wool grower's loss and what is the wool grower's gain, is the manufacturer's loss.

From the operation of the reduced tariff thus far, it is clear to my mind that Congress may, without hesitation, bring it still further down, to the lowest point of expenditure for an economical Government. This Government ought to be, may be, and must be, made the cheapest, as it will be the most effective Government on earth. If the public lands are destined to yield a large revenue to the country, (and they yet owe the country a great amount for the repayment of their original cost and protection,) let this revenue go to the support of the ordinary expenses of the Government; let the pledge made by a resolution of Congress, which is older than the constitution itself, that "the unappropriated lands shall be disposed of for the common benefit of the United States," be rigidly enforced.

We have just seen the salutary effects, on the people, of the reduced tariff. A still further reduction—a reduction to that point which will make a bare treasury, and drive away from it the vultures who hover around, and grow poor in waiting to feed upon it, would be beneficial. If our land will yield a revenue of ten millions a year, and ten millions more can be reduced from the tax upon the imports, why not leave that ten millions in the pockets of an industrious people, rather than take it from them, not to be returned to them, but to go into the several State treasuries, there to be scrambled for by men who have done little towards earning it—to be wasted, as millions have been wasted from the national treasury, on objects of internal improvements, such as the Cumberland road, the Chesapeake and Ohio, the Dismal Swamp, and the Chesapeake and Delaware canals?

There is no danger in further reducing the tariff; there is no particular danger in keeping on hand the surplus we already have in the treasury. Better protection Congress cannot give to manufacturing industry of every kind, than to reduce the tax on every article of consumption to the lowest possible point. Does Congress consider it good policy to take off entirely, for the encouragement of corporations engaged in building railroads, the duty on imported iron rails? and will they not afford the same encouragement to the mechanic who manufactures the utensils of the common farmer? If the West India islands afford a market for all those articles which are easily raised or manufactured in the United States, why should we not be permitted to bring sugars from the same West Indies without duty, as we do from New Orleans? Sugar is a necessary of life; its nutritious qualities not only sustain life, but contribute to health, and it ought to be furnished to the poor at the lowest possible price. There is no reason why the consumers should pay two and a half cents a pound on sugar, adding at least, in duty and profits on the duty, one-third to the price of the article, for the benefit of the rich planters in Louisiana. Those planters can pay enormous prices for slaves, and make overgrown fortunes in a few years. They are the last men in the country who should ask for aid from a protective duty for a product of agriculture; and yet they are almost the only class of agriculturists in the country who receive such protection. If policy require that protection shall be given, humanity would seem to demand that this protection shall confine itself to limits that shall bar the temptation to an unnecessary traffic in human flesh. Raising the price of slaves in Louisiana and Florida, this sugar duty is indirectly a tax on the culture of the cotton region, operating to raise there the price of slaves and slave labor, and to encourage the rearing of slaves in the middle States, to be disposed of in the South.

As long as it shall be necessary to have duties on importations, the lowest duties required for supplies to the public treasury will be sufficient protection to manufactures and agriculture against foreign competition. If twelve and a half, or even ten per cent., as a permanent policy, will not protect any kind of production, that production ought to be yielded for some other which will support itself; and every kind of political economy should be repudiated, which does not teach that labor should be turned away from that production which requires artificial heat in a cold climate to sustain it, when the same may be transposed for a trifling expense, from a climate in which it grows spontaneously. The manufactures of this country do not require a hot-bed protection. If the price of labor be higher here than it is in Great Britain, our Government may, by reducing its taxes, and economizing its expenses, be in that condition which will free the laborer and producer of every name almost entirely from taxation; while in the foreign country, the taxes and burdens imposed to pay the interest on a public debt enormously great, and to discharge Government expenses that know no parallel here, will more than counterbalance the difference between them and us in the article of labor.

I have taken this view of the subject, to show there is not even a necessity at this time to adopt any new plans to get rid of the surplus that may be in the treasury. We are, I believe, the first nation of the world that has honestly discharged, principal and interest, a debt of the magnitude that ours has been; and as we are singular in this respect, may it not be possible that we shall, in the heyday of our prosperity, keep on hand, until an evil day shall come upon us, a portion of that surplus? If the country continue in its present palmy state of good fortune, we may reduce the tariff of duties. If a revulsion shall take place, the surplus will then be much more effectually applied to useful or necessary objects than it can be now. The present high price and demand for labor makes this the very worst time to apply a surplus, either by the State or nation, to internal improvements. Private capital and private enterprise are most effectually conducting all useful improvements in the northern section of the Union. If it could be possible to distribute this money among the States, its application, I fear, would mar those enterprises, and produce results scarcely less disastrous to capital than has been the application of one million by this Government, and the one million and a half Dutch loan, which has bankrupted this District, to that unfortunate undertaking, the Chesapeake and Ohio canal.

The Senator from Kentucky, [Mr. CLAY,] who introduced it, says: "This bill is not founded upon any notion of a power in Congress to lay and collect taxes, and distribute the amount among the several States. I think (he says) Congress possesses no such power, and has no right to exercise it until some such amendment as that proposed by the Senator from South Carolina [Mr. CALHOUN] shall be adopted."

I thank the Senator for making this admission; because, if it shall not induce his friends in Congress to vote against the bill, it will at least justify the opponents of the bill, and the President of the United States, should it pass both Houses of Congress, and again receive his veto, for the course they shall take in relation to it.

The proposition I lay down is, that every dollar of the surplus in the public treasury, which is now proposed to be divided among the States, was derived from taxes laid upon and collected of the people; that no part of it was in fact derived from the nett proceeds of the sales of public lands.

A document, under date of January 11, 1836, from the Register of the Treasury, shows that the whole receipts into the treasury on account of the sales of the public lands, from the earliest period, to the 30th September, 1835, is $58,619,523 00
And that the cost of management is 57,652,207 89

Leaving in favor of the land fund $967,316 11

This cost of management includes the several items of expenditures under the head of Indian department; the payment for the purchase of Louisiana, and interest on the same; the payment for the purchase of Florida, and interest; the payments to the State of Georgia on account of lands relinquished to the United States; the amount of Mississippi stock issued under the act of the 3d of March, 1815; salaries and contingent expenses of the General Land Office; salaries and incidental expenses of land offices; salaries of Surveyors General and their clerks, and of commissioners for settling land claims, and payments from the Treasury on account of the survey of the public lands.

This view of the case presents, up to the thirteenth of September last, little short of a million of dollars on the credit side of the public lands.

But the statement from the Treasury is not the moiety of what has been chargeable on the Treasury on account of the public lands. I will name several items which are tangible.

It is well known that the Cumberland road has been considered as standing on different ground from all other objects of internal improvement which have been moved in Congress. Members of Congress have voted for appropriations for this road, who would vote appropriations for no other road. The reason was, that two per cent. of the amount of sales of the public lands in several States was set apart for the erection of this road, and thereby it was not considered a direct appropriation of money from the treasury. I have ascertained, by a written communication from the Treasury Department, that the two per cent. fund, as far as yet ascertained, was but $524,511 18, while there has been expended on one hundred and thirty miles of the Cumberland road, this side of the Ohio, the enormous sum of $2,827,506 88, or 21,650 dollars per mile; and on the same road west of the Ohio $2,341,900 88. Total amount expended on the Cumberland road up to the 30th of September, 1835, $5,169,407 76. This expenditure is most clearly a charge on the receipts for the public lands.

In like manner, all the appropriations of money for roads, or other improvements in the new States and Territories, made expressly with the view to raise the price and help the sale of the public lands, are chargeable to the same receipts. For seventeen years, commencing January 1st, 1817, and ending December 31, 1834, the expenditures for roads in the new States and Territories (see House document No. 39, of the present session) were as follows:

In Ohio, - -	$214,129 97
Illinois, - -	39,637 81
Indiana, - -	207,519 20
Alabama, - -	138,922 43
Mississippi, - -	37,024 00
Missouri, - -	94,531 61
Louisiana, - -	36,736 19
Indiana Territory, -	7,920 00
Other Territories, -	81,706 20
	$858,127 31

This, it will be observed, is only a part of the expenditures for roads in the Territories named. To it we may add the million of dollars paid by the Government as a subscription to the Chesapeake and Ohio canal, opening an avenue for the benefit of the public lands at the West.

The three per cent. fund paid to States, exhibited in the following table, is also to be added to the expenses of the public lands:

	3 per cent.	2 per cent.
Ohio, - -	404,741 09	$269,827 40
Indiana, - -	238,848 72	159,232 48
Illinois, - -	73,441 73	49,061 16
Missouri, - -	69,585 21	46,390 14
	$786,616 75	$524,511 18

We may add the expenses of the civil Government of Territories, (which, exclusive of the judiciary and customs, amounted for seventeen years, ending December 31, 1834, to $676,269 99,) at least a million and a half of dollars. These expenses are not less legitimately chargeable to the land fund than the expenses of the land offices themselves.

In addition to this, all the frontier and Indian wars, since the Revolution, are justly chargeable to the public lands. If for ten years to come these lands were to yield a clear revenue of ten millions of dollars a year they would scarcely repay the expenses which the United States have incurred in defending them. A contest of only a few months with Black Hawk cost the nation some two or three millions of dollars; and the present Indian war in Florida may cost five or ten millions. The regiment of mounted dragoons raised to guard the frontiers and protect the new settlements, supported at an expense of not less than a hundred thousand dollars a year, belong also to the expenses of managing the public lands.

The public lands cause annually a large share of the time and expenses of Congress, and much of the litigation at the expense of the public treasury, in the United States courts, is on account of the public lands.

The Senator from Ohio [Mr. EWING] has contended that the public lands are not chargeable with many of these expenses; and the bill assumes that they are not even chargeable with the expense of surveys and of the land offices, for it divides the whole receipts, without making any provision for those expenses. But the Senator justifies the large grants of land and money for internal improvements to the new States on the express ground that they were chargeable to the public lands. The two positions taken by the gentleman show that when his object is to make partial grants, all may be charged to the account of the public lands; but when the object is to divide the surplus funds among the States, nothing is to be charged to the expenses of the public lands!

Considering the many millions expended on account and for the benefit of the public lands not taken into account in the statement of the Register of the Treasury, can it be pretended that there is now, that there ever has been, a dollar of money in the treasury which has not been derived from taxes laid upon the people? If it be admitted that Congress has no power "to lay and collect taxes, and distribute the amount among the several States," it must as freely be admitted that the bill distributing among the States a greater amount than the present surplus in the public treasury is not warranted by the constitution of the United States.

Further, Mr. President, this bill is condemned for the inequality of distribution upon its face. The Senator from Kentucky has framed a table, which may operate as a bait to the several States, to show how much money they will gain by the bill. I have made an addition to his table, to show the people of eighteen of the oldest States how much they will lose in the distribution of the bill before the Senate. I have added to the seven new States in addition to the money they are to receive by the bill, the premium price of the land granted to them in the same bill; that is, to each of the States of Mississippi, Louisiana, and Missouri, 500,000 acres; to Indiana, 115,272 acres; to Alabama, 100,000; and to Illinois, 20,000 acres; not taking into account the extensive donations that had previously been made to some of those States.

The following is the table framed by Mr. CLAY:

Statement showing the dividend of each State (according to its federal population) of the proceeds of the public lands, during the years 1833, '4, *and* '5, *after deducting from the amount* 15 *per cent. previously allowed to the seven new States.*

States.	Federal population.	Share for each State under the proposed bill.	Total to new States.
Maine, - -	399,437	$617,269	
New Hampshire, -	269,326	416,202	
Massachusetts, -	610,408	943,293	
Rhode Island, -	97,194	150,198	
Connecticut, -	297,665	459,996	
Vermont, - -	280,657	433,713	
New York, - -	1,918,553	2,964,834	
New Jersey, -	319,922	494,391	
Pennsylvania, -	1,348,072	2,083,233	
Delaware, - -	75,432	116,508	
Maryland, - -	405,843	627,169	
Virginia, - -	1,023,503	1,581,669	
North Carolina, -	639,747	988,632	
South Carolina, -	455,025	701,495	
Georgia, - -	429,811	664,208	
Kentucky, - -	621,832	960,947	
Tennessee, - -	625,263	966,249	
Ohio, - -	935,884	1,446,266	$1,677,110
Louisiana, - -	171,694	265,327	957,888
Indiana, - -	343,031	530,102	999,677
Illinois, - -	157,147	242,846	751,606
Missouri, - -	130,419	201,542	1,000,896
Mississippi, -	110,358	170,541	1,583,944
Alabama, - -	262,508	405,666	1,072,606

Addition made to the table by Mr. HILL.

States.	Equal share to which each State is entitled.	Loss to States having less than their share.	Gain to States having more than their share.
Maine, -	$777,318	$160,099	
New Hampshire,	524,117	107,915	
Massachusetts, -	1,187,875	244,582	
Rhode Island, -	189,226	39,028	
Connecticut, -	579,266	119,270	
Vermont, -	546,168	112,455	
New York, -	3,733,574	768,740	
New Jersey, -	622,495	128,104	
Pennsylvania, -	2,623,395	540,162	
Delaware, -	155,176	38,668	
Maryland, -	789,784	160,615	
Virginia, -	1,991,773	410,104	
North Carolina,	1,244,970	256,338	
South Carolina,	885,495	184,000	
Georgia, -	836,419	172,211	
Kentucky, -	1,210,123	249,176	
Tennessee, -	1,216,876	250,627	
Ohio, - -	1,821,262	144,152	
Louisiana, -	334,122	-	$424,766
Indiana, -	667,550	-	332,127
Illinois, -	305,813	-	445,793
Missouri, -	252,816	-	748,080
Mississippi, -	214,760	-	369,184
Alabama, -	535,999	-	1,536,607

The loss to the six New England States will be $753,349; that is, this amount, which has been paid by the people of New England directly into the treasury, from taxes on articles which they have consumed, will be taken from them by this bill, and given to seven new States, whose soil, more luxuriant than that of the old States, is tempting and drawing to them, without such invidious distinction, the best of the enterprise and capital of the States from whom this advantage is taken. The loss which the State of New Hampshire will sustain in this unequal distribution is $107,915—more than twice the amount of money which that State annually pays for all her State expenses, including the salaries and pay of her executive, legislative, and judicial departments. The State of New York loses in the distribution $768,740, and Virginia $410,104.

The injustice and inequality of this bill are not its only bad features. Take the two States of Louisiana and Missouri, besides the direct gift of 500,000 acres, each receives her share, as one of the seven new States, of fifteen per cent. on the whole amount first, and afterwards an equal proportion with all the rest. Now, by what right, either in law or equity, can either of these States, as States, be entitled, not to simple equality, but to manifest favoritism, in making the division? Those two States, with their inhabitants, were a foreign country until after the great mass of public lands this side of the Mississippi had been acquired through the blood and toil of the old States of this Union, which have always been of the disfavored States when any benefits were to be derived from the public lands. The most of those old States have had no expenditures made within their borders of the public money for internal improvements. It is plain to common sense that neither Louisiana nor Missouri can be entitled to receive into its State coffers the avails of that property which belonged exclusively to the old States before they were admitted into the Union. As a joint interest, Louisiana and Missouri might enjoy their portion of benefits to be derived from the public lands. As a separate interest, those States can have no claim whatever to that part of the public domain which was acquired while the States owed allegiance to a foreign Government.

Again: the States of Maine and Massachusetts have a domain which they retained, under the jurisdiction of Massachusetts, after the war of the Revolution. From this land the two States, during the past year, have received some one hundred and fifty thousand dollars each; and if the boundary line shall be established where it is claimed to be, an extended territory, rising in price, will furnish each of those States annually still larger sums from the sales of land. Is it just that these two States should derive a large revenue from the lands which fell to them on the termination of the contest for independence, at the same time they come in for an equal portion with the other original States of the proceeds of sales of lands which other States, holding them under a like tenure, ceded for the common benefit of the whole United States? Massachusetts and Maine may enjoy the benefits of the public lands, while preserved as a common fund for the use of all the States; but when this bill, becoming a law, shall vest in them a separate interest in the proceeds of the sales of public lands, making in their favor the invidious distinction of two separate interests, violence will be done the constitution, which must seek in vain for any true ground of justification.

Further: the State of Connecticut retained a tract of land, without her limits, called the Connecticut Reserve, within the limits of the present State of Ohio, from the sale of which she has created a fund for common schools, whose increase is now more than a million of dollars, and in a few years will go far towards supporting those schools in each and every school district of the State. She retained this tract, when she had really no better claim to it than others of the original States, which claimed nothing and received nothing, had to an equal quantity. Would it not be just, before the "common fund" shall be dispersed to the four winds, first to grant the old States which, as yet, have had nothing, at least an equal amount with others which have received?

Again: Virginia, at the close of the war of the Revolution, besides the whole country within the present limits of Kentucky, claimed what was then called the Northwestern Territory, comprising the present States of Ohio, Indiana, and Illinois, the new State of Michigan, the Territory of Ouisconsin, and all the country west. She claimed this, although it is manifest that, beyond the limits of Kentucky, which had then just been commenced as a settlement, she had really no more pretension to it than any other State which had contributed an equal share with her in the blood and toils of the Revolution. Nor did she yield up this immense tract of country without an equivalent. The officers and soldiers of the Revolution of the Virginia line had grants of land, which were given to the officers and soldiers of no other State. And when she gave up her pretension for the common benefit of the whole United States, she made ample provision for her own. In the first instance, she covered all that remained of Kentucky as grants for her own benefit; she travelled afterwards into Ohio, and took to herself district after district there for the benefit of her own officers and soldiers. She claimed these immense grants, extending beyond what she had herself conceived, because it was "notified in the bond" that she might take some of the land for such a purpose. But a single taste never satisfies. Although perhaps four times the amount of land that had been first expected was taken up, and although it was not dreamed there could be a possible pretext for taking more, some antiquated resolution or order of the revolutionary Government of Virginia was discovered, on which certain claimants founded a suit for more land against the State of Virginia. As might be expected, after making a decision against these claimants, the Judiciary of Virginia deemed it expedient, inasmuch as the United States, and not Virginia, would ultimately be obliged to foot the bill, to reverse that decision, and the claimants, and children and heirs of claimants, come in forty years after the service was performed, and obtain scrip for incredible quantities of public lands; from four to six, and, I believe, as high as ten, thousand acres to each person. This scrip locates the land in no particular place, there being no land left of the reservation first made, but it is a certificate to enter for land any where, either at public sales at the price of the bid, or after the public sales at the minimum price. The appropriations already made by Congress to cover these claims, I believe, amount to about two millions of acres. I am told that land scrip has issued for the benefit of officers who were merely nominally such, and who never did a particle of service; and it is said there have been grants made where the officer and the service were wholly fictitious. If the whole business be not a gross fraud, it looks very much like it. Three millions of dollars at least of the avails of the public lands will have been abstracted from the treasury by this after-claim of Virginia. And when it is considered that this comes upon the top of other previous grants made for the benefit of that State, is it not claiming too much for her that, in the process of dissipating the "common fund" which remains from the public lands, she receives an equal share with other States which have had none of the benefits that she has derived?

Still further: by the compact with the State of Georgia, yielding, for the benefit of the "common fund," what now constitutes the State of Mississippi and a part of Alabama, and which she claimed as within her own prescribed limits, the United States guarantied to that State the title to the soil possessed by the Indians within the present limits of that State. To give Georgia a free title to the lands within these limits, the United States have already encountered immense difficulties and large expenses. Nor is the Indian title yet purchased. Five millions of dollars have been offered to purchase the small tract remaining. If the whole proceeds of the sale of lands be divided as the bill proposes, whenever this purchase shall be made, the five or ten millions which the lands may cost, and the further sum which a war on account of the removal of the Indians may cost the Government, will be raised from taxes directly imposed on the people. The State of Georgia, having no more right to the public domain than the other States which participated in the war of the Revolution, is favored beyond them by her compact. Is it right that, in the division of the proceeds, she should be forced to violate her compact, which declared that the proceeds of the lands which she ceded to the Union should be used "as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever?" Is it just that, as a State, she should receive two shares of a dividend in the proceeds of the public domain, while other States, as such, can receive but one share?

The facts I have shown in relation to some of the States prove that, even if the division were an equal one now to all the States, great injustice would be done to New Hampshire, to Vermont, to Rhode Island, to the great States of New York and Pennsylvania, to New Jersey, Delaware, and Maryland, and to North and South Carolina, and perhaps to Kentucky and Tennessee. The first ten, if not the last two States, would not receive their respective shares, equal to the other old States whose cases have been stated. But when it is considered that the seven new States of Ohio, Louisiana, Indiana, Illinois, Missouri, Mississippi, and Alabama, besides large grants of the public domain itself, are to be entitled in the first instance to fifteen per cent. of the whole amount, leaving the remnant only to be divided, it must be yielded that the most gross injustice is done to the ten States first named. Can it be believed that these States will quietly submit to be taxed by a high tariff of duties on the necessaries of life to contribute towards a dividend among the States, in which they are to receive at the rate of fifty cents to their neighbors' receiving one dollar?

The last report of the Committee on the Public Lands, which recommends the bill under consideration, has this striking sentence: "The several States which form parties to the national compact have all an equal right to, and an equal interest in, the national domain; and such an application of it to the use of some of the States, which is not just to all, cannot be expected to meet with general favor." Can it be possible that the writer of this paragraph has duly considered the bill which the report recommends? Can he gainsay the fact that out of their own mouth does their intended law of distribution stand condemned?

A Senator from Kentucky, [Mr. CRITTENDEN,] whose deportment and whose talents deserve high commendation, remarked some time ago, while debating on another subject, in substance, that millions have come from the West, to the treasury in the East, in payment for the public lands; and that the nation was constantly deriving large amounts of money from that portion of the Union, while little or nothing was there expended. The report of the committee also gives countenance to the idea that the nation is much indebted to the West, and especially to the State of Ohio, for a great portion of its revenues. I will presume that both the Senator and the committee believe they are correct in their opinions. But they cannot have well considered all the facts. In the first place, much of the money that is paid for public lands comes originally from the East. Since the sales have so much increased, there has been an almost constant stream of money flowing from all the States East into the land offices of the West--the drain of money, within the last three of four years, is felt in almost every neighborhood of both town and country throughout New England. And, sir, no part of this money ever has, or probably ever will, come back again. An investigation of this subject will show that, ever since the establishment of Government, up to the year ending on the 30th September last, the local expenditures of the western States have always exceeded the amount of revenue derived from those States. I cannot now go into an investigation and analysis of the whole expenditures since the adoption of the constitution.

In executive document No. 27 of the House of Representatives, for the second session of the last Congress, the Secretary of the Treasury has furnished an analysis of the receipts and expenditures for the year 1834, of which I avail myself. It will be remembered that the receipts from the sale of the public lands in that year were five millions of dollars, one million larger than the previous year, and nearly two and a half millions more than in 1832. Up to that time, the average receipts would not much exceed a million of dollars per annum. The year 1834 will therefore present a more favorable result to the West than any preceding year; and what was that result? The document I have named informs us that the whole expenditures of appropriations for 1834 were $21,293,200; that the whole collections in 1824 were 20,624,717; that the expenditures in the six eastern States were less than the collections, $28,908; that the expenditures in the middle States, including the District of Columbia, were less than the collections, $1,127,297; leaving a balance in favor of the eastern and middle States of $1,156,205; that the expenditures in the southern and southwestern States were more than the collections, $957,218; that the expenditures in the western States were more than the collections, $867,470; leaving a balance against the southern, southwestern, and western States, of $1,824,688.

The report of the Committee on the Public Lands states "that the public lands in the State of Ohio have brought into the treasury about seventeen millions of dollars, besides satisfying to a large amount the debts of the Government." In 1834, the local expenditures in Ohio, without taking into view her portion of the expenditures at the seat of Government, were $569,600, and the receipts from the sale of lands and from customs in that State were $433,433; leaving a balance of $136,167 against her.

The Atlantic States have no reason to complain of the generous West, even though the money of the former, for the purchase of public lands, and for paying on the rise of property, flows into the latter, and contributes to their prosperity. Every new country encounters disadvantages and hardships; the profits of labor, converted in large proportion to permanent capital, will not allow, in any new settled country, of present pecuniary ease and enjoyment. The West, from its highly fruitful soil, and from the facilities of transport which nature has afforded her, enjoys advantages which the Atlantic States, and especially the States of New England, never possessed. Compare, if you will, the condition of the present western settler with the first hundred and fifty years of the New England settler. When attacked by the ferocious tribes of the forest, the latter could look only to the strength of his own arm for protection and defence. In the West, if a single Indian murder is committed, a thousand men are ready to march and avenge the outrage. In New England, the first settlers were liable to starvation whenever their crops were cut off or destroyed. In the West, although the crops fail and money fails, plenty comes in a few days on credit alone, and on the "wings of the wind." The New England settlers had to encounter not only the ruthless tomahawk and scalping knife of the savage, but for many years the hostility of a more powerful and scarcely less savage foe, in successive wars with France, terminating only in the conquest of Canada by the English. The first western settlers have had sanguinary contests with the Indians, which have been of short duration, and the frontier settlements encountered great perils during the three years' war with Great Britain; but at any point to the eastward of the Mississippi, and north of Florida, there is now scarcely more to be apprehended from any anticipated hostility of the Indians, than there is in the heart of New England. The first settler in the East had no improvements in roads, bridges, or canals, until he was able to make them with his own hands; and to this day, for these objects, there has been in that region no help from the Government. The first settler of the West has had liberal appropriations for roads and bridges, opening the avenues of communication to his very doors; and even the more modern improvements of railroads and steam navigation keep pace with the falling of the forest trees by the settler, as he recedes to the far West. The people of the Atlantic States spilt much blood, and endured many privations, to conquer independence, and did gain that independence and the great national domain, which is now the subject of discussion; and the young West, no less than the East, enjoys her full portion of blessings resulting from that arduous struggle. These are considerations which should bind closer to each other the West and the East, instead of dividing them. The East and the West must be mutually beneficial each to the other; and whatever shall conduce to the growth and prosperity of the one, will conduce to the growth and prosperity of the other. The great bulk of those who now inhabit the West either emigrated or descended from the States of the East; will they not reverence the birthplaces and the tombs of their fathers? Will they not rejoice when we rejoice, and weep with us, when we have cause to weep? Will they not, in the day of their greatest strength, consider whence they derived those elements of knowledge and enterprise which have made them all they are? We say to the West, "let there be no strife between me and thee; for we be brethren;" least of all, let there be no unprofitable contest in a struggle between us, of who can make most out of a property which can bestow no real benefits to either, until the hand of diligence and industry shall "cause the waste places to become fruitful fields, and the deserts to blossom as the rose."

Even if, contrary to the opinion of the author of this measure, it were no violation of the constitution to divide among the States the money in the treasury, true policy would dictate the rejection of this bill. How can it be possible that gentlemen, who have condemned so freely the magnitude of numbers in the public offices, as exhibited in the Blue Book, should advocate this bill, which, under its present provisions, will go to the creation of another army of officers dependent on the State treasuries, and these last dependent on the treasury of the nation, and the good graces of members of either House of Congress? How can they, who have so clamorously complained of the alarming extent of executive patronage, vote for a law which shall at once double the patronage of whoever administers the national Government?

The mischiefs that will attend the distribution of the whole amount of money received from the sales of the public land cannot be duly appreciated until they shall be realized. It should be borne in mind that the people of the States must be taxed to pay the expense of managing these lands—to pay the Indian annuities, and for the support of the Indians—to pay for the purchase of the Indian title to the lands, which, in some cases, will be equal to the amount for which the lands will sell; to pay the expense of defending the lands against depredations, and also to pay for the expense of all the Indian wars that may arise on account of the lands. The people of the United States must be heavily taxed; articles of necessary consumption brought into the United States must be heavily taxed, to pay expenses incident to the lands; but the proceeds of the public lands are to be distributed, not to the people themselves who pay these expenses, but to the several State treasuries. I cannot better illustrate the mischiefs and the miseries of such distribution than by contrasting the present condition of the three cities which compose the District of Columbia with the condition of the rest of the United States.

The bankruptcy of these three cities is too well known to be denied; it was admitted on all hands, in a debate which took place in the Senate during the present session. Now, what has caused this bankruptcy? what has brought upon these three cities a load of debt, the annual interest of which burdens every inch of the real estate within their limits with a tax equal at least to the price of rents in other parts of the country? Do not these corporations, in so many words, charge the evils on the former action of Congress, making them pet children in a system of internal improvements? The Congress granted directly from the treasury of the nation one million of dollars to build a canal, which was to waft prosperity into their lap; and by this grant they were induced to ask liberty of Congress to borrow on their own account a million and a half of dollars more, mortgaging themselves for the payment of principal and interest to the Dutch! The cities now charge their miserable condition, not on themselves, but on Congress; and they boldly say, and their friends in this body say, that Congress has seduced them into this wretched condition, as well by giving the million of dollars for the canal, as by authorizing the cities, at their own request, to run in debt for a further sum, which has been expended on the canal; and they boldly insist that Congress is bound in honor to pay their debts.

If we search for the causes of the present misery of this devoted District, much of them may be traced to the fact that they (and especially the city of Washington) are thrown directly on the public treasury. The people here look so anxiously for the distribution of the public funds, they rely so exclusively on the treasury and so little on themselves, that there is no room left for prosperity in any kind of useful business. More than three millions of the public money are annually disbursed here; and yet there is no part of the country where there is actually so much pecuniary suffering, according to the number of inhabitants, as there is here. For the internal improvement of the District, Congress has given outright, not the million to the canal alone: it has paid the interest which this city owes on the Dutch debt; it has paid large sums for improvements, among other things $130,000 for Macadamizing the Pennsylvania avenue, $150,000 and upwards for building a bridge over the Potomac river, and large sums for various other items. Yet, with all this feeding, the pecuniary condition of the District is daily growing worse. Gladly would they retrace their steps in the internal improvement mania; but they have gone too far to recede, and they have not the power to go forward. Their last resort is to induce Congress to purchase their valuable stock, to pay their Dutch debt, to relieve the corporation of Washington of another debt of great magnitude; and, as our comfort, we are told that Congress is bound in honor, as the sole and exclusive legislators for this District, to take the money of the people of the United States and contribute at once so much as may be necessary for these purposes!

The miseries of a generous distribution of the public money in the District of Columbia are but a foretaste of the evils that will follow a distribution of an amount equal to all the sales of the public lands among the States. There is, however, this difference between the distribution in the District and the corrupting distribution proposed by the bill: for the money expended in the District, the people of the District were never taxed; for the money distributed among the States, the people themselves are to be heavily taxed, and in some of them the amount of one dollar is taken from the people's pockets for every fifty cents that shall be brought into the State coffers.

I cannot, Mr. President, speak of such a corrupting system as the bill proposes with any feelings of complacency. The title of the bill, "to appropriate for a limited time the proceeds of the sales of the public lands of the United States, and for granting land to certain States," is scarcely less a misnomer than is the title of the bill which has been forced by the vilest corruption through the Legislature of Pennsylvania, entitled "an act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by railroads and canals, and for other purposes." The last bill bribes the people of Pennsylvania with a bonus, much larger than the bank was to give Congress in the bill vetoed by the President, to be expended on internal improvements. The land bill is a bribe offered to the States from money paid into the treasury by severe taxation on the people, under the idea of being the proceeds of the sales of the public lands; when, in truth and in fact, the public lands have not yet paid, and cannot for twenty years to come, pay back the expense which the people have incurred on their account.

The Senator from Kentucky [Mr. CLAY] yields to the opinion that it is unconstitutional to tax the people of the United States by Congress, for the purpose of distributing the money among the several States. How easy to evade the constitution will it be at any time, when Congress shall choose, if the fact be not conceded, that all money coming to the treasury is derived, either directly or indirectly, from taxation upon the people. Millions of dollars have come to or passed through the treasury on account of restitution for spoliations of the property of individuals; and although every dollar of it has been paid back for the benefit of those individuals, whenever there is a surplus in the treasury, we have only to suppose the amount, and to say this money was paid, not by the people of the United States, but by foreign Governments, and that Congress has the power to appropriate it to be divided among the several States. The fallacy in this case would be no more striking than is the fallacy of appropriating for the same purpose money in the treasury as proceeds of the sales of public lands, when not a dollar of it can properly be considered as money derived from such sales.

It is hardly possible to conceive a condition more degrading than that to which the high-minded States of the Union will be thrown by the passage of this bill. The Government of the State which I have the honor here in part to represent is supported by a direct tax upon the people; every citizen there knows what is his annual proportion of tax for the support of the Government of the State, of the county, and of the town in which he resides. Paying the money directly from his own pocket, a vigilant eye is kept upon those who expend it. If it be not made to produce its equivalent, the agent is called to account, and is at once dismissed. The consequence is, that the money is generally well expended, for the most salutary and useful purposes of Government; the burdens of the people comparatively light. If they were obliged to pay as much in proportion for these as they do for the few objects for which the general Government is instituted, they would groan under an oppression which would be scarcely tolerable. It is my belief that, if the national funds were derived from direct instead of indirect taxes, the public agents would be held to a more strict accountability; that one dollar would not be wasted where ten dollars now are; and that every kind of service performed for the Government would be better done than it now is. How degrading to the people of a State must it be, that numerous salaried agents shall be added to her without her consent, which salaried agents are dependent on the breath of Congress for their existence! How degrading, that so long as the State shall retain the good graces of Congress, she shall have thrown upon her an annual stipend, to be scrambled for, and seized by that portion of her citizens who shall have received the highest instruction in the arts of chicanery, and made themselves most adroit in the business of log-rolling! How degrading, that she is to be annually called up, like a beast to the stall, to feed out the proportion which shall be dealt out to her; that, like the noble ox who works for his master, it is to be considered as a favor that the one half of what she has earned is to be dealt out for a daily allowance!

The gentlemen of the Senate, composing the usual political majority, and the party with which they act, consider this bill as a measure which is to do them great credit; and the senior Senator from Kentucky, [Mr. CLAY,] from the top of Pisgah, views the fair Canaan on the other side of Jordan, the "land flowing with milk and honey," as dating its prosperity, its blooming verdure, its rapid growth in wealth, its fairy enchantment of cities, and towns, and splendid edifices, and beautiful cottages, its canals and its railroads—from the consummation of this, his favorite project of dividing the proceeds of the sales of the public lands! "If," (said he,) "I can be instrumental, in any degree, in the adoption of it, I shall enjoy, in that retirement into which I hope shortly to enter, a heart-feeling satisfaction, and a lasting consolation." There may be great merit in devising a measure to take money from the treasury; one would, however, think there was more merit in putting money into it without enfeebling or oppressing the people. The Senator will recollect that he has been the father and patron of other measures, which, had they not been interrupted in their progress by another estate in this Government that has constantly stood in his way, would have left no surplus in the treasury to be divided. The bills that have been vetoed, and those that would have passed, had not the veto power been interposed—the bills that have passed the Senate and failed to obtain the sanction of the House, appropriating money, which of right belongs to that House, and not to this—the favorite measures of the party of which the Senator has been the conspicuous leader—had they been carried into effect, would not, at this time, have left a dollar of surplus money in the treasury. We might have had the satisfaction to see a hundred millions as uselessly expended as has been the million subscribed to the Chesapeake and Ohio canal; we might have had a road from Buffalo to New Orleans without travel or use; we might have purchased up the Louisville canal; we might have tunnelled the Allegany mountains; we might have paid eighty millions more than we have paid in taxes under the high tariff of 1828; and we might in consequence have had a civil commotion convulsing the Government to its very centre. Quite certain it is, that had other counsels prevailed, we should now have no scruples in the treasury with which to "buy golden opinions from all sorts of men."

Napoleon Bonaparte was a great man; his glory consisted in the ability to concentrate means, to surmount obstacles natural and artificial, and before his enemy was aware of the fact, to be in his presence ready to give him battle, and finally to meet and beat that enemy with one half his own nominal force. His glory, after conquering emperors and kings in a six weeks' campaign, which other emperors and kings had essayed in vain to conquer in the campaigns of as many successive years—his glory was to bring to the capital of France, as the trophies of his victories, the most celebrated works of art, and to fill the coffers of the public treasury. Another great man, not a "military chieftain," may find his greatest notoriety, not in bringing any thing either to the capital or to the public coffers, but in attempting to seize on the public treasury as "spoils" for distribution in the several States, to be applied to the creation of a horde of agents who shall minister to power, and become its most subservient instruments, from that sheer necessity which throws them on power as the most effectual help to obtain their daily bread.

The Senators from Kentucky and Ohio, [Messrs. Clay and Ewing,] the first of whom nurtures this bill as his own, and the other feeds it as the child of his adoption, are doubtless impelled to urge its passage from the circumstance that it will carry into the treasuries of those two States, as the first dividend, nearly two millions and a half of dollars. If they do not conclude that the people of their States ought to consider themselves indebted especially to them for that amount, the natural inference is, that the boon to the States will have been gained by them; or at least the obvious effect of the bill being defeated by the votes of those who consider it unconstitutional or impolitic will be to induce all such as regard possession of the money to be of more value than either constitutional scruples or questions of expediency to become warm supporters of its friends, and to repudiate and cast off all who oppose it.

I would suggest a measure which, if the Senators, with the powerful influence they have had over this body, would adopt and pursue to its consummation, would entitle them to, if it did not actually secure to them, a higher commendation from the people of their States than this measure of dividing the money in the treasury among the States. We will suppose the present federal population of the two States of Kentucky and Ohio, increasing as it is rapidly, to be two millions of souls. By the price current of Nashville, Tennessee, I observe the wholesale price of common brown sugar is twelve dollars the hundred pounds. If by the repeal of the entire duty on this article, its price could be reduced to eight dollars the hundred, supplying the place of, because as little expensive as other, common articles of sustenance, it would not be extravagant to suppose that the consumption of brown sugar would reach to an average of twenty pounds per head each year. One third of the price reduced on twenty pounds of sugar, would gain to every man, woman, and child, eighty cents, and would save to the two States in a single year, the sum of one million six hundred thousand dollars. Let the Senators introduce a bill repealing the duty on the single article of sugar, and they will give cause to every citizen of their States, and of the United States, to thank them. A repeal of this duty would annually save to the people a much greater amount than the States (not the people) will receive by the present bill.

The rich planters of Louisiana might possibly feel for a year or two the effect of an entire repeal of the duty; but, so long as sugar bears two thirds of its present price, the sugar business is probably more lucrative to its owners than any other agricultural business pursued in the country. Besides the reduction of price, increasing the demand will enable the growers of sugar to make equal profits from the greater quantity. It is a fact, that the manufacturers of cotton cloths, although the price of the raw article be not reduced, make more money at the present price of ten cents the yard, than they did when the same article of the same quality sold for twenty cents the yard.

The first effect of the grand canal in New York was to reduce on the Atlantic seaboard the price of flour one dollar, and the price of pork two dollars, per barrel. If the producers of those articles, who were affected by the reduction, had complained to Congress, would there not have been as good reason why the nation should have made up their loss, as there is that Congress should continue a severe duty on sugar, not because the money is wanted in the treasury for national purposes, but because a few hundred gentlemen of wealth want a bounty of two and a half cents on every pound of sugar they produce, to be paid from the hard earnings of men and women who labor with their own hands?

I mention the single article of sugar, because it is more tangible and convenient than any other. But the Senators need not confine themselves to that article. If the money shall not be wanted for the public service, this reduction is not the half, or even the fourth, that may be made without essential injury to any manufacturing or producing interest whatever. Every article cheapened by a reduction of duty, encourages as well as cheapens production of that or some other article. Every day's experience proves that never did American interests encounter a greater enemy than in the affected friendship of the authors of what was called the "American system." Every dollar saved to an individual by reduction of his taxation, will be of more benefit to that individual than every five dollars voted into the treasury of his particular State.

The "pictorial representation" drawn by the Senator from Ohio presents the country in quite a different state from the gentleman's haggard picture two years ago. The patient, the "skin and bones" of March, 1834, is now so full and plethoric, that Dr. Sangrado prescribes depletion from profuse bleeding, and is anxious to draw blood from every vein from the top of the head to the end of the toes. He says it is physically impossible to make any impression upon the treasury by any appropriation you can make on the works of fortifications and defence. You may appropriate money, but it will not, cannot, be expended. This is a truly new state of things. When was it ever before known that a nation had so much money that it was a greater curse than a nation's utmost poverty? There are many hundred gentlemen, political friends of the Senator from Ohio, (politial as well as civil engineers,) who are looking with wistful eye and anxious heart to the surplus in the treasury. The head of the engineer corps, (Gratiot,) who is a man of all administrations, and the best friend of him who will vote most money for objects of internal improvement; the head of this corps, whom the Senator has quoted as last year demonstrating that there was not a sufficient number of his subalterns to spend the little amount that has been heretofore appropriated, this year proves it out and out that, even without an addition to his corps, he can take care of at least five millions of your surplus. It was only a few days since we were told that a large appropriation must be made for the Cumberland road, (and the Senator from Ohio voted for the highest amount proposed,) because if that amount was not appropriated the engineers must stand still while their expense was going on. I will confess that I have not so much confidence in this engineering bureau as some gentlemen have. It appears to me that the calculations of the bureau are generally based on the wishes of the officer who wants employment, rather than on the public interest. If the object be to increase the corps, we are told that the public interest suffers for want of them, while there is a little army of West Point gentlemen dancing attendance in this city. If it be to induce Congress to commence some new work, the cost of that work is underestimated; and, after twice as much has been expended as was first called for, still larger appropriations are called for, lest the engineers should stand still for want of employment.* On the whole, I should consider the public expenditures on works of any kind more safe in the hands of practical men, than in those of young men just merging from West Point, who have had no practice in the useful affairs of life beyond what they have been there taught.

All I wish to say in relation to the enormous amount of ten to fifteen millions to be received for a series of years every year from the sales of the public lands, which the Senator anticipates, would be, that such anticipation furnishes the best argument in the world for an immediate reduction of the taxes on imports to the scale of 1792. Seven per cent. duty will give a better protection to all interests than thirty, fifty, or one hundred per cent. The article of silk, paying no duty, was imported into the country, in the year 1835, to the amount of $14,984,584, while only $267,035 of free silks was exported during that year. The India and sewing silks paying duty, imported in the same time, were valued at $1,513,399; and of these $470,474 were exported. Now, if any branch of the cotton manufacture had been made duty free, so that $15,000,000 in that same manufacture had been imported, it is my opinion that such reduction would not have more injuriously affected the cotton manufacturing interest, than would the introduction of $15,000,000 worth of silks free of duty. The cotton grower must consider the extensive substitution of silks for cotton, resulting from the one being free of duty, and the other subject to high duty, as peculiarly injurious to his interests. The present flourishing state of cotton growing and cotton manufacturing, under the great discouragement which the introduction of silks free of duty presents, must convince every manufacturing and producing man in the country that his interest has more to fear from a high than from a moderate duty. Of consequence, there can be no objection to the immediate reduction of taxation on imports to any amount that shall not leave the treasury bare.

The Senator says the money should be divided, because it will not be possible to procure laborers to work upon the fortifications to the extent that may be needed. If the money shall go to the several State treasuries, the bill provides that it shall by the States be expended on internal improvements. Can the States find laborers where the United States cannot find them? If neither can find them, will the money waste faster in the United States than in the State treasuries?

It seems, Mr. President, that we have arrived at another crisis. We have had a "crisis" of some sort as often as once in every two years, for the last quarter of a century. The Senator from Massachusetts [Mr. WEBSTER] is alarmed on account of the enormous amount of deposites in the selected State banks, and the amount of issues by those banks. I could wish that we might have had a similar alarm sounded by that gentleman years ago, when another single institution (the United States Bank) was making greater issues than all the pet banks are together at this time. If the money be not safe where it is, I will go as far as he who goes farthest in taking all proper measures not only to secure the public money, but to prevent extraordinary issues of paper by those banks. The Senator from Missouri [Mr. BENTON] has said, truly, that when a great bank issues paper to a large amount, all the little banks follow suit; and when the great bank hauls up and contracts, all the little banks are obliged to do the same thing. The only way to correct the business of panic-making by the banks is for the Legislatures, both State and national, to take steps for the introduction of a specie foundation in the place of the paper circulation, which is as unstable and uncertain as the wind. The great "paper crisis" anticipated by the Senators who have spoken this day must be met as every other crisis has been met, until the mania for banking and paper currency, generated by the gambling propensity of the Bank of the United States, shall be repressed by the prudence of our Legislatures. Certain it is that the present distribution of the surplus money cannot lessen the chances of panic and pressure, or the explosions of a paper currency.

If it should be asked, what would I do with the surplus in the treasury? I would answer, that it should not be expended in erecting roads, bridges, or canals, under the superintendence of incompetent engineers and overseers; it should not be expended to pay the raised compensation of officers of the army or navy, when in a time of almost profound peace many of those officers are doing no service; it should not be expended in erecting fortifications like those of the Rip Raps and the Pea Patch under former administrations, where millions of money were thrown away, because incompetent or dishonest agents were employed to conduct the work; it should not be expended on an increased civil list, where the officers receive more pay than their services are worth; it should not be expended in manufacturing pieces of ordnance which would burst at the first trial of their strength; it should not be expended in finishing works that ought to be permanent with such perishable materials as will scarcely last a single year; it should not be expended to create an army of officers, who shall remain idle because they have no rank and file of soldiers to follow them.

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* See report of the Committee of Ways and Means in the House of Representatives, No. 297, 24th Congress, 1st session.

I would, of the present surplus, always keep on hand some eight or ten millions of dollars, to be used in any exigency; that sum, even though it lie still in the treasury, will better subserve the public interest than to be expended on projects which have neither true science nor experience to recommend them. I would of the remainder expend every dollar that is necessary to make permanent the works of defence at important points on the seaboard, to arm those works so that in case of a sudden emergency their defence may be entered on at once. I would take measures for the security of our naval stations; build more ships of war, if necessary; build at least one steam vessel, carrying guns of the heaviest caliber, as the most effectual means of defence, in each of our important harbors; and purchase and keep on hand all the material necessary for ship building. I would erect an arsenal in each considerable State that has none, and continue to furnish rifles, guns, and bayonets, for the use of that "surest arm of our defence," the militia. I would manufacture a sufficient quantity of heavy artillery to supply every fort of the country, so soon as competent science and skill could be brought to the aid of such manufacture.

Having taken measures to complete the defences of the country, and to enable the Government to cause the American flag to be respected in every clime, if a surplus still remained in the treasury, I would bestow something on the purchasers of the public domain, as a premium for a given number of acres brought into profitable cultivation within a given date from the day of purchase. I would give a bounty to the agriculturist who should furnish evidence of having raised for exportation, either to a sister State or to a foreign nation, a given quantity of sugar, of cotton, of tobacco, of wheat and flour, of beef and pork, or other material profitable to the country, as articles for exportation; I would pay bounties on the production of iron, or other minerals, including salt and coal, which shall be exported; in like manner I would protect the various manufactures that would be made for exportation. Further reducing the duties on importation, such bounty on exportation would have a most salutary effect on all the great interests of the country. With a treasury by no means redundant, the pockets of the people would be full of money; other occupations than those to be sought for under the patronage of the Treasury would be universally preferred, because they would present more decided advantages. Instead of passing through the public coffers of either of the States or the nation, where money can be of no more advantage to the people at large than in the hands of any wealthy individual who makes use of it, the people, being almost entirely relieved from taxation, will flourish under that state of things, presenting no wants that cannot be immediately gratified. Make such use of the surplus in the treasury as I have described, or even keep it locked up where it now is; but I beseech Senators never to send any surplus money to the treasuries of the several States, to whom it must prove in fact, what the wise man has called it, "the root of all evil."

The Secretary of the Treasury, an officer whose ability is everywhere acknowledged, whose application and perseverance in whatever he undertakes is proverbial to all who know him, whose answers to inquiries are as prompt as the calls made upon him, whose knowledge of details was never exceeded by any public officer of this Government; the Secretary of the Treasury has been reproached, on the floor of the Senate, for having anticipated, somewhat wide from the fact, the receipts into the treasury during the last quarter of the year ending December 31, 1835. Those receipts were by him estimated at $4,950,000, when, in fact, they have turned out to be $11,149,000. The report of the Committee on the Public Lands also raps that officer over the knuckles for the same alleged fault. The anticipation of the Secretary was mere conjecture, and that conjecture made at a time when he could avail himself of no official information indicating the truth. It is well known that the speculations in land during the past year have exceeded all precedent. As those speculations had been kept up to a great extent during the first three quarters of the year, and as there was a supposed change in the money market, it was natural that the Secretary should base his calculations on a lower estimate than the ascertained amounts of the first three quarters. He judged as every man of sense would judge, but he did not judge correctly; instead of falling off, the spirit of speculation in lands increased, and the receipts of the last quarter for lands much exceeded any former quarter. So an anticipated rupture with France forced into the country during that quarter an unprecedented amount of goods paying duties. From both sources the amount received was double what the most astute calculator would have fixed on. Slight changes in events transpiring, or even in public opinion, would have altered the state of things entirely. No greater change in the spirit of speculation than frequently takes place in a single week might have reduced the land receipts seventy-five in the hundred dollars; and a knowledge of the facts which have since been developed—a certainty that no war with France will take place—would probably have lessened the receipts of the customs at least one half. Who can calculate with any certainty within one half of what will be the receipts of the public lands for the year to come? Take the last year for a standard, and we may conjecture either that the amount will be doubled, or that it will not be so great by one half; and events of a seemingly trivial character may tend to one or the other result.

Not more in error was the Secretary, in his anticipation of the revenue of the last quarter of 1835, than were gentlemen of this Senate two years ago, in their anticipation of what was to follow from the withdrawal of the deposites from the Bank of the United States. Then, according to some gentlemen, the whole people were to be overwhelmed in ruin, and the treasury was to be bankrupt. "The canals were to become a solitude, and the lakes a desert waste of waters." The anticipations were not verified. I am heartily glad that in both instances our fortune has been turned to the brighter side. This may not always be so; indeed, in the majority of cases, the tables are turned a different way. This fact should teach us to husband our present abundant resources, that we may be duly and truly prepared, when "the evil day shall come upon us." I think, however, the Senator from Ohio [Mr. Ewing] was not more in error in predicting ruin two years ago, than he is now in the confident anticipation that there will be a surplus of forty millions of dollars in the treasury during the present year.

But, Mr. President, the more recent attack upon the Secretary of the Treasury on this floor by the Senator from South Carolina, [Mr. Calhoun,] demands a passing notice. That attack, from its violence and its asperity of terms, preceded as it was by assaults made at former sessions from the same quarter, evinces that there might have rankled some personality in the bosom of the assailant. "What secret griefs he has, alas! I know not." Might it be that the Secretary would not embark in the same ship with the honorable Senator in a controversy which terminated in the dismissal of the first cabinet of President Jackson? Might it be that the Secretary, then a Senator on this floor, refused to take his stand with others, who consummated their political ruin by serving the interests of a future aspirant to the presidency, rather than by assisting the Chief

Magistrate to discharge his duty to the country? Whatever the fact be, if common report be not a lie, there has been no personal intercourse indicating even a former acquaintance between the honorable Senator and the Secretary since a certain correspondence between the President and the Senator was first broached by the latter to the Secretary.

But what is the crime with which the Secretary of the Treasury is charged withal? What is the "head and front of his offending?" Is it that he has deceived the people by his calculations, so that the treasury had become bankrupt, when he informed them that there might be a surplus? Is it that the public service has suffered by a want of funds, whenever and at whatever distant points of the Union they might be wanted? No, sir; the Secretary has made a mistake last year, in estimating, or rather guessing, a year beforehand, the revenue from the customs to be the sum of sixteen million of dollars, when, in consequence of accelerated imports from an anticipated rupture with France, the revenue may have exceeded that amount by the sum of two or three millions during the year 1835; and in making the further estimate of the receipts of public lands one year beforehand, he guessed those receipts would be three millions and a half of dollars, when they have turned out to be more than three times that amount. If the Secretary of the Treasury be indeed verily guilty, either for making that estimate short of the fact, or for estimating on the first of December that the receipts for the last quarter of the year 1835 would probably average the amount of the first three quarters of the same year, then let him that has made better and more accurate calculations cast the first stone. The Senator from South Carolina says he predicted what would take place: I know not where to find that prediction. I do find in a celebrated report, purporting to be drawn up by the honorable Senator, (Senate document No. 108, of the last session,) that he estimates or guesses the "average annual receipts from the customs during a series of years, (including the year 1835,) will be equal to the sum of $16,370,000;" and that "it is believed to be a safe estimate, that the average annual increase" from the public lands will be $3,500,000! By this it would seem that the Senator himself, when he had all the benefits of the official returns for one quarter's income more than the Secretary, was equally wide of the mark with that officer in his calculations. The Senator would yield probably to no man in America the palm of financial sagacity; and if he was deceived as to the receipts of the year 1835, how can he blame the Secretary of the Treasury for not anticipating aright? The sober truth is, no human being, on the 1st day of December, 1834, could have anticipated the speculations of that year in real estate, and the anxiety to grasp at the public lands—none would have guessed on the 1st December, 1835, before an official return had been made for any portion of the quarter at the Treasury, when none or few lands were offered at private sale, that more money would be taken in that quarter than in any two prior quarters of the same year. Of consequence, it is not surprising that both the Senator from South Carolina and the Secretary of the Treasury should have been mistaken in their anticipations of the amount of revenue for the year 1835. If neither of them had committed a worse political sin than this, neither of them would deserve reprobation.

Turning back to that report of last year, the famous report on executive patronage; turning back to the charges therein made, upon the present Executive of the United States, of "great and extravagant expenditures," of the "growing and excessive patronage," which has "tended to sap the foundation of our institutions, to throw a cloud of uncertainty over the future, and to degrade and corrupt the public morals," I am forced into reflections that otherwise would have been avoided.

In the first place, it strikes me, from a recent cursory perusal of that report, that a false estimate was held out to the people, of the future receipts of the treasury, and the future surplus to be divided, by omitting entirely in the calculation the reduction of more than five millions of dollars in that revenue which would take place under the compromise act of 1833.[*] That reduction, admitting all the calculations and anticipations of the report to be correct, would, after the year 1842, leave but a

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[*] The following tables were made and communicated to Mr. CALHOUN, before the production of that report by the Treasury Department; but, for some cause, were not published with the other documents.

Statement exhibiting the value of imports and exports of foreign merchandise during the years 1833 *and* 1834.

VALUE OF IMPORTS.

Year ending	Free of duty.	Paying duties ad valorem.	Paying specific duties.	Total.
Sept. 30, 1833	32,447,950	49,354,349	26,316,012	108,118,311
1834	68,018,034	35,148,669	22,602,251	125,768,954
VALUE OF FOREIGN MERCHANDISE EXPORTED.				
1833	7,410,766	8,260,381	4,151,588	19,122,735
1834	12,371,765	8,194,629	2,411,890	22,978,284
VALUE CONSUMED AND ON HAND.				
1833	25,037,184	41,093,968	22,164,424	88,295,576
1834	55,646,269	26,954,040	20,190,361	102,790,670

Duties on merchandise—1834.

Duties which accrued during the 1st, 2d, and 3d quarters of 1834,		$15,157,448 60
4th quarter estimated at - -		3,500,000 00
		$18,657,448 60
Deduct estimated drawback, -	$2,835,000 00	
Deduct estimated bounties and allowances, -	250,000 00	
		3,085,000 00
		$15,572,448 60
Deduct estimated expenses of collection, - - - -		1,350,000 00
Estimated nett revenue, -		$14,222,448 60

Biennial reduction of duties under the first section of the act of 2d March, 1833.

Upon importations similar to those of 1834, producing duties to the amount of $18,657,448 60, the biennial reduction would be—

From 1st January, 1834, excess of 1-10th over 20 per cent., - -	$852,000 00
From 1st January, 1836, excess of 2-10ths over 20 per cent., - - -	1,704,000 00
From 1st January, 1838, excess of 3-10ths over 20 per cent., - - -	2,556,000 00
From 1st January, 1840, excess of 4-10ths over 20 per cent., - - -	3,408,000 00
From 1st January, 1842, excess of ½ residue, or 3-10ths, - - -	2,408,000 00

NOTE---The duties, as above stated, in 1834, are exclusive of the reduction of $852,000.

small sum to be divided; and when it is considered, that while the whole amount of imports has for some years been increasing, that portion of imports paying duties has been diminishing, and that the actual consumption in the United States of such foreign merchandise as pays duties is little more than one third of the whole value of our imports, no impartial and prudent statesman, on a calculation of the ordinary risk of depression in trade, or of the casualties incident to relations between different Governments, would have found it in his heart to recommend that ways and means should be found for the division of a surplus revenue. May it not be safe to calculate, as the Secretary of the Treasury has calculated, that the biennial reduction of one million, in the rates under the last tariff, will not be made up by the increased quantity, when it is officially ascertained that the annual increase of consumption of foreign merchandise has not equalled the annual increase of population?

The Senator has said, in substance, the estimates since the commencement of the present administration have been a series of blunders; those of the present Secretary have been so incorrect that he places no reliance upon them. A recurrence to all the estimates from the year 1802 up to the present time, will show that the recent calculations have been much more accurate than they were formerly. At the same time it must be admitted that the credit system, extending from ten months to two years after the duties were secured, furnished data for more accurate calculations than the present system of cash payments.

Whatever may be the faults of the present heads of Departments, it will not be urged that they present themselves as rival and conflicting aspirants for a still higher place than they now occupy. Or if, perchance, any one of them looks for advancement, it is through an honest and faithful discharge of his public duty, and not in virtue of the "line of safe precedents." The eight years subsequent to the last war with Great Britain was marked, I believe, by John Randolph, as the administration which, at its second term, "came in unanimously, and went out unanimously." The President of that day might mean well; but the administration was not his own. The State Department was grubbing its way to the presidency on a sectional contest in favor of northern principles and northern predilections; the War attempted to force itself into the public favor by its "growing and excessive patronage"—by "great and extravagant expenditures"—by patting on the back every man who would do its work, and by butchering in cold blood every other man who discovered a scintilla of independence. The Treasury was also of the candidates; it had all the real democracy which the amalgamating policy of an administration without any definite political character had left in most of the States; but it was weakened much in the North from the circumstance that many of the old federalists pretended (as they have since pretended to General Jackson) to support that, rather than the northern pretender, by whom they had been betrayed. This was the state of things; three candidates for the presidency in the cabinet, and another contending for the palm, as premier of the House of Representatives. The battle was fought as if the politicians here, and not the people at home, were to make the President. The principal candidates had each his newspaper in this city to advocate his claims. The War Department, for several years, as if determined to carry the question by a *coup de main*, went on the high pressure principle, till at length a demonstration on Pennsylvania discovered it could neither carry that nor probably any other State of the Union; when, making a virtue of necessity, at the eleventh hour, it yields its pretensions in favor of General Jackson, whom it sees carrying every thing by the people which it had the presumption to claim for itself. I have been thus particular in stating this controversy, because it involved a scene in the cabinet of those times which we may hope never to see acted again—a scene in which the patronage of office, and of emoluments, and of contracts, in one Department at least, were directed to promote the election of a man to the first office in the Government, who had no hold upon the people, and who could not, with all that patronage, command a single vote—a scene in which every public man was assailed and sacrificed who would not minister to the most greedy pretender—a scene in which the "public morals were corrupted and degraded to the lowest ebb."

During the last session of Congress, a Senator charged on the Post Office Department "rottenness" and "corruption," and "abominable violations of trust;" and then said we "must have reform, or we must have revolution." During the present session, the same Senator has charged on the friends of the administration that they are the "parasites of power" of the "spoils party;" and made use of other epithets equally odious. Now, sir, it is a common and a true saying, that "evil thinketh he who evil doeth." If corruption and rottenness exist in any Department of this Government, the diseased part cannot be too soon taken away, whether it be necessary to apply the cautery or the knife. I will refer to, or recapitulate, a few of the abuses, the "unwarranted exercises of executive power" under a former administration, and leave it with the people to judge whether, if reform has not thoroughly done its work, finding it impossible to do all things at once, the evils that are left will not, many of them, be referred back to a time when the Senator himself was a part of the existing administration.

At the commencement of the year 1817, the army of the United States in the aggregate amounted to 10,024 men. There were recruited in that year 3,939, in 1818 4,238, in 1819 4,304, in the three years 12,481. But at the close of the year 1819 the army amounted to 8,688, less than the aggregate at the commencement of the year 1817 1,336; this number added to 12,481, the number recruited, amounts to 13,817 men lost to the army, mostly by desertion, in the space of three years.

In this state of things, the Secretary of War (Calhoun) called on Congress for an appropriation of $183,925, for the recruiting service of 1820. The House of Representatives paid so little attention to the Secretary's estimates as to appropriate no more than $34,125 for the whole recruiting service of that year. The House of Representatives particularly specified the number to be raised by the words "for bounties and premiums for fifteen hundred recruits." Yet, in violation of this law, and, as was said, to "keep in pay near seven hundred commissioned officers," the Secretary recruited 3,211 instead of 1,500 men, and expended for the recruiting service $66,398 22 instead of $34,125. And when called on to account for the expenditure beyond the law, the adjutant general reported that the money had been made up from the balances of old appropriations, which balances were not in the treasury. One of these balances was for "amount due Robert Brent, late paymaster general, being part of the advance made him on account of bounties and premiums out of the appropriation of 1816, refunded in 1820, on settlement of his account, $35,364 56, respecting which it was expressly stated by the Second Auditor that it "ought not to be understood that he refunded that sum in money; he refunded it in settlement of account only."

I would also refer to document No. 99, of the first session of the twenty-first Congress, for examples of executive legislation by the Secretary of War, by which the pay and emoluments of sundry officers of the army were enormously increased at several times by a simple order, sometimes subscribed in pencil by the initials of that officer. The pay and emoluments were increased in a manner which the law never contemplated. The legislation of the Secretary was always quite laconic; it run in this manner:

"Until otherwise ordered, the chief engineer, while resident in Washington, will be allowed at the rate of nine hundred dollars a year, in lieu of fuel and quarters. He will also receive double rations.

J. C. CALHOUN.

MAY 12, 1818."

"You will instruct the paymaster of the corps of engineers at West Point to pay the superintendent of the Military Academy at that post triple rations, from the 1st of September last until further orders.

J. C. CALHOUN.

OCTOBER 16, 1820."

"Does the command of the corps of engineers entitle Major Worth to brevet pay and emoluments? A battalion consists of three hundred and forty men.

Answer. The command of Major Worth is equal to his brevet rank, and his pay as such is allowed.

J. C. CALHOUN.

JANUARY 6, 1821."

"The quartermaster general, commissary general of subsistence, the colonel of engineers, and the chief of the ordnance department, while stationed at the seat of Government, will be allowed double rations from this date.

J. C. CALHOUN.

JULY 27, 1821."

"In the absence of the chief of staff bureaus, the allowance of double rations will devolve on the officer having charge in their absence.

J. C. CALHOUN.

JUNE 4, 1822."

The special decisions of the Secretary of War, allowing officers of the army extra pay and emoluments, no where to be found authorized in any law of Congress, are numerous in the document I have referred to. A decision in one case has been held to be a rule in all similar cases; and by these special decisions the pay and emoluments of officers in the army at Washington, from a major general to a lieutenant of topographical engineers, have been raised to a point much beyond the salaries of our civil officers. And it is a fact worthy of remark, that in proportion as the pay of these officers has been raised, so have their numbers increased, while the army itself has really all the time been growing more and more inefficient. To the executive legislation of the Secretaay of War, from 1817 to 1829, are we indebted for that state of things which, creating in the officers of the army a desire for ease and increased emoluments, has made of that institution an increased burden of millions to the treasury, and rendered the service and the army itself more and more unpopular.

A contemporary historian, in 1823, says: "The contests between the Secretary of War and the two Houses of Congress have been frequent and arduous; he struggling to draw money, money, more money, from the treasury, for the use of his Department, and they to retain it for other purposes. If, in all this, the Secretary has been right and Congress wrong, then must it be considered as unfortunate that they did not, in the year 1820, borrow six millions instead of three, and in the year 1821, ten millions instead of five. Then our peace establishment might have been kept up at ten thousand men; our army removed a thousand miles further into the wilderness, from Council Bluffs to Yellow Stone river. Then we might have recruited five thousand men every year; and every year have expended two or three hundred thousand dollars upon Rip Rap contracts." These were the "glorious times" of which the Senator boasts. Glorious times, indeed, when the Government, in a time of profound peace, was obliged to borrow money to support extravagant expenses in the War Deparment!

By a law of the United States it is made the duty of the Comptrollers of the Treasury to "take all such measures as may be authorized by the law to enforce the payment of all debts due the United States." The general regulations of the army also required that the pay of all officers in arrears should be stopped. To make himself more popular with those officers, who loved their ease and emoluments better than they loved justice, we have the following further sample of executive legislation by the Secretary of War:

"DEPARTMENT OF WAR, *December* 3, 1821.

"SIR: The practice of instructing paymasters to withhold from officers of the army all such sums as may be reported by the Second and Third Auditors to be due from them to the United States, is superseded.

I have the honor, &c.

J. C. CALHOUN.

The PAYMASTER GENERAL."

Congress, however, continued to be refractory and disobedient; they introduced into the appropriation bill, at the very next session, a clause requiring "that no money appropriated by that act shall be advanced or paid to any person on any contract, or to any officer who is in arrears to the United States, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

We are now reproached with having taken up the system of the Senator, for which he suffered much persecution from our friends—a splendid system of fortifications. Where is the fortification on Rouse's Point, on which the Secretary then made a large expenditure? Abandoned, because it fell within the British territory, and scarcely a stone remains to tell where it once was. How many other forts projected by Mr. Monroe's Secretary of War were abandoned as untenable? Where is the value of the millions expended at the Pea Patch? Burnt—but good for nothing before it was burnt, as the foundation laid up in the most improvident manner, had given way; and the wood work erected over it seemed to be there placed for the particular purpose of burning down the whole, that its imperfections and its uselessness might not remain as a monument to the folly of its projectors. The fortifications at the Rip Raps I have never seen; I am told they are little better than those of the Pea Patch. I have, however, heard much of Rip Rap contracts; and thereby hangs a tale respecting some of the favorites of, if not the Secretary of War, that may not much redound to the "glory" of either. If there be a single fort or other work erected in these "glorious" days that stands as a perfect and useful work, evincing military science applied practically to it, that work remains yet to come to my knowledge. Those I have seen were not to be compared with the French works erected at Ticonderoga, at the head of St. George, at Oswego, and the mouth of the Niagara, more than one hundred years ago, some of which were blown up in the war of the Revolution; that is, it would seem to me that the blown up works might be repaired and rebuilt with even less expense than those erected in the "glorious" reign of that cabinet, three of whose members were fighting on their own hook, and all pulling different ways, for the presidency.

Mr. H. concluded by expressing his obligations to those Senators who had patiently kept their seats to a late hour to hear all he had to say: he did not now wish, he never had intended in any speech that he should make, to interfere with the time that could be more usefully employed than in hearing him. He said, the first session he had a seat in this body, four years ago, of the twenty-four Senators representing twelve States north of the Chesapeake and Ohio, and east of the Wabash, he alone took his peculiar stand on the subject of the tariff; and the stand he then took in favor of a large reduction of taxes upon imports was in this body made a subject of derision. The Senator from Kentucky, [Mr. Clay,] in the proud character of father of the "American system," said the whole North was in this body unanimous in favor of a high protecting tariff: he said he begged pardon—it was not quite unanimous—he believed he had heard a "still small voice" in this Senate against that system! It is true, (said Mr. H.,) the still small voice in this body was but a speck of the size of a man's hand in the North at that time: it is true, that I then took my stand against fearful odds; but the speck in the horizon has since become a cloud filling the whole atmosphere. The whole people have become convinced that a high tariff is not needed for the protection of any interest, or for the prosperity of the country. Inefficient and weak as I then was, (continued Mr. H.,) my ground on the subject of the tariff was taken on my own responsibility: I consulted and advised with no men high in office or friends of the administration at that time. I have consulted on this subject with none. An ardent friend of this administration, I would do nothing to injure it or its friends; for the opinions I have now offered, the administration is not responsible. If my suggestions are worthy of attention, they will doubtless have their due weight; if they are unworthy, they can injure no one but myself.

When Mr. Hill had concluded his remarks,

The Senate adjourned.

Friday, March 18.

EXPUNGING RESOLUTION.

The following resolution, offered by Mr. Benton a day or two ago, being in order, viz:

Whereas on the 26th day of December, in the year 1833, the following resolve was moved in the Senate:

"*Resolved,* That by dismissing the late Secretary of the Treasury because he would not, contrary to his own sense of duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the treasury of the United States not granted him by the constitution and laws, and dangerous to the liberties of the people:"

Which proposed resolve was altered and changed by the mover thereof, on the 28th day of March, in the year 1834, so as to read as follows:

"*Resolved,* That in taking upon himself the responsibility of removing the deposite of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people:"

Which resolve, so changed and modified by the mover thereof on the same day and year last mentioned, was further altered so as to read in these words:

"*Resolved,* That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws but in derogation of both:"

In which last-mentioned form the said resolve, on the same day and year last mentioned, was adopted by the Senate, and became the act and judgment of that body; and, as such, now remains upon the journal thereof:

And whereas the said resolve was irregularly, illegally, and unconstitutionally adopted by the Senate, in violation of the rights of defence which belong to every citizen, and in subversion of the fundamental principles of law and justice; because President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offence, and a stigma placed upon him as a violator of his oath of office, and of the laws and constitution which he was sworn to preserve, protect, and defend, without going through the forms of an impeachment, and without allowing to him the benefits of a trial, or the means of defence:

And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and, therefore, unjust and unrighteous, as well as irregular and unconstitutional; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve, nor in taking upon himself the responsibility of removing the deposites, as specified in the second form of the same resolve, nor in any act which was then, or can now be, specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people:

And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, without specifying what part of the executive proceedings, or what part of the public revenue, was intended to be referred to, or what parts of the laws and constitution were supposed to have been infringed, or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place; thereby putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators, according to the private and particular understanding of each; contrary to all the ends of justice, and to all the forms of legal and judicial proceeding—to the great prejudice of the accused, who would not know against what to defend himself; and to the loss of Senatorial responsibility, by shielding Senators from public accountability, for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact:

And whereas the specifications contained in the first and second forms of the resolve, having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications; and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon, the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained:

And whereas the Senate being the constitutional tribunal for the trial of the President, when charged by the House of Representatives with offences against the laws and the constitution, the adoption of the said resolve before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the constitution, a subversion of justice, a prejudication of a question which might legally come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence:

And whereas the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceedings of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal, or printed among its documents, while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity:

And whereas the said resolve was introduced, debated, and adopted, at a time and under circumstances which had the effect of co-operating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country, to destroy the confidence of the people in President Jackson, to paralyze his administration, to govern the elections, to bankrupt the State banks, ruin their currency, fill the whole Union with terror and distress, and thereby to extort from the sufferings and alarms of the people the restoration of the deposites and the renewal of its charter:

And whereas the said resolve is of evil example and dangerous precedent, and should never have been received, debated, or adopted by the Senate, or admitted to entry upon its journal: wherefore,

Resolved, That the said resolve be expunged from the journal; and, for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session of 1833-'34 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "EXPUNGED BY ORDER OF THE SENATE, THIS —— DAY OF ——, IN THE YEAR OF OUR LORD 1836."

The preamble and resolution having been read, Mr. BENTON rose and said:

Mr. President: I comply with my promise, and, I presume, with the general expectation of the Senate and of the people, in bringing forward, at the first day that the Senate is full, and every State completely represented, my long-intended motion to expunge from the journal of the Senate the sentence of condemnation which was pronounced against President Jackson at the session of 1833-'34. I have given to my motion a more extended basis, and a more detailed and comprehensive form, than it wore at its first introduction; and I have done so for two reasons: first, that all the proceedings against President Jackson might be set out together, and exhibited to the public at one view; secondly, that our own reasons for impugning that act of the Senate should also be set out and fully submitted to the examination and scrutiny of the people. The first is due to the Senate, that all its proceedings in this novel and momentous case should be fully known; the second is due to the impugners of their conduct, that it may be seen now, and in all time to come, that law and justice, and not the factious impulsions of party spirit, have governed our conduct.

It has been seen, by the reading of my resolution, that I have reinstated and adhere to the word expunge. At the last session of the Senate I gave way to the entreaties of friends, and surrendered that word; but I had no sooner made the surrender than I had reason to repent of my complaisance, and to revoke my concession. I repented and revoked in the face of the Senate. I have since examined and considered the objection with all the care which was due to the gravity of the subject, and with all the deference which was due to the dissent of friends; and, upon this full and renewed consideration, I remain firmly convinced of the propriety of the phrase, and of the justice of the remedy which it implies; and, being so convinced, it becomes my duty to present it over again to the Senate, and to submit the decision to their judgment.

It is also seen that the resolution prescribes a mode of expunging which avoids a total obliteration of the journal. I have agreed to this mode of executing the resolution, not from the least doubt of the Senate's right to blot out the whole obnoxious entry—for it is a part of my present purpose to maintain and to vindicate that right; nor from complaisance merely to my friends—for some of those who objected to the expunging process at the last session are ready now to sustain it in its whole extent; but I have agreed to it because, while it relieves the scruples of some, it pronounces, in the opinion of others, a more emphatic condemnation than mere obliteration would imply; and because it will enable gentlemen in the opposition to emerge from their preliminary defences behind the screen of the constitution, and to come into action in the open field, upon the merits of the whole question, and thus meet my motion upon the broad grounds of the injustice, the illegality, the irregularity, the unconstitutionality, the error of fact, and the whole gross wrong of that proceeding against the President, which it is my purpose to expose and to correct.

The objection to this word expunge is founded upon that clause in the constitution which directs each House of Congress "to keep a journal of its proceedings." The word keep is the pregnant point of the objection. Gentlemen take a position in the rear of that word; and, out of the numerous and diverse meanings attributed to it by lexicographers, and exemplified by daily usage, they select one, and, shutting their eyes upon all other meanings, they rest the whole strength of the objection upon the propriety of that single selection. They take the word in the sense of preserve; and, adhering to that sense, they assume that the Senate is constitutionally commanded to preserve its journals, and that no part of them can be defaced or altered without disregarding the authority of that injunction. I am free to admit that, to preserve, is one of the meanings of the verb, to keep; but I must be permitted to affirm that it is one meaning only out of three or four dozen meanings which belong to that phrase, and which every Senator's recollection will readily recall to his mind. It is needless to thread the labyrinth of all these meanings, and to show, by multiplied dictionary quotations, in how many instances the verb, to keep, displays a signification entirely foreign, and even contradictory, to the idea of preserving. A few examples will suffice to illustrate the position, and to bring many other instances to the recollection of Senators. Thus: to keep up, is to maintain; to keep under, is to oppress; to keep house, is to eat and sleep at home; to keep the door, is to let people in and out; to keep company, is to frequent one; to keep a mill, is to grind grain; to keep store, is to sell goods; to keep a public house, is to sell entertainment; to keep bar, is to sell liquors; to keep a diary, is to write a daily history of what you do; and to keep a journal is the same thing. It is to make a journal; and the phrase has the same meaning in the constitution that it has in common parlance. When we direct a person in our employment to keep a journal, we direct him to make one; our intention is that he shall make one, and not that he shall preserve an old one already made by somebody else; and this is the precise meaning of the phrase in the constitution. That it is so, is clear, not only from the sense and reason of the injunction, but from the words which follow next after: "and, from time to time, publish the same, except such parts as in their judgment require secrecy." This injunction to publish follows immediately after the injunction to keep; it is part of the same sentence, and can only apply to the makers of the journal. They are to keep a journal, and to publish the same. Which same? The new one made by themselves, or the old one made by their predecessors? Certainly, they are to publish their own, which they are daily making, and not the one which was both made and published by a former Congress; and in this sense has the injunction been understood and acted upon by the two Houses from the date of their existence.

Again: if this injunction is to be interpreted to signify preserve, and we are to be sunk to the condition of mere keepers of the old journals, where is the injunction for making new ones? Where is the injunction under which our Secretary is now acting in writing down a history of your proceedings on this my present motion? There is nothing else in the constitution upon the subject. There is no other clause directing a journal to be made; and, if this interpretation is to prevail, then the absurdity prevails of having an injunction to save what there is no injunction to create!—the absurdity of having each successive Congress bound to preserve the journals of its predecessors, while neither its predecessors nor itself are required to make any journal whatever.

Again: if the Houses are to be the preservers, and not the makers, of journals, then a most inadequate keeper is provided; for, during one half the time the two Houses are not in session, the keepers are not in existence, for the Secretary is not the House; and, during all that moiety of time, there can be no keeper of this thing which is to be kept all the time.

Again: if to keep the journal is to save old ones, and not to make new ones, then the constitutional injunction could have had no application to the first session of the first Congress; for the two Houses, during that session, had no pre-existing journal in their possession whereof to become the constitutional keepers.

There are but two injunctions in the constitution on the subject of the journal: the one to make it, the other to publish it; and both are found in the same clause. There is no specific command to preserve it; there is no keeper provided to stand guard over it. The House is not the keeper, and never has been, and never can be. The Secretary and the Clerk are the keepers, and they are not the Houses. The only preservation provided for is their custody and the publication; and that is the most effectual, and, in fact, the only safe preserver. What is published is preserved, though no one is appointed to keep it; what is not published is often lost, though committed to the custody of special guardians.

I have examined this word upon its literal meanings, as a verbal critic would do it; but I am bound to examine it practically, as a statesman should see it, and as the framers of the constitution used it. Those wise men did not invent phrases, but adopted them, and used them in the sense known and accepted by the community; law terms, as understood in the courts; technical, as known in science; parliamentary, as known in legislation; and familiar phrases, as used by the people. Strong examples of this occur twice more in the very clause which we have been examining. There is the word "house;" "each House shall keep," &c. Here the word "house" is used in the parliamentary sense, and means, not stone and mortar, but people, and not people generally, but the representatives of the people, and these representatives organized for action. Yet, with a dictionary in hand, this word "house" might be shown to be the habitation, and not the inhabitants; and the walls and roof of this Capitol might be proved to have received the injunction of the constitution to keep a journal. Again: the House is directed to publish the journal, and under that injunction the journal is printed, because the popular sense of publishing is printing; while the legal sense is a mere discovery of its contents in any manner whatever. The reading of the journal at the Secretary's table every morning, the leaving it open in his office for the inspection of the public, is a publication in law; and this legal publication would comply with the letter of the constitution. But the common sense men who framed the constitution used the word in its popular sense, as synonymous with printing; and in that sense it has been understood and executed by Congress. So of this phrase to keep a journal; the framers of the constitution found it in English legislation, in English history, and in English life; and they used it as they found it. The traveller keeps a journal of his voyage; the natural philosopher of his experiments; the Parliament of its proceedings; and in every case the meaning of the phrase is the same. Our constitution adopts the phrase without defining it, and of course adopts it in the sense in which it was known in the language from which it was borrowed. So of the word proceedings; it is technical, and no person who has not studied parliamentary law can tell what it includes. Both in England and America rules have been adopted to define these proceedings, and great mistakes have been made by Senators in acting under the orders of the Senate in relation to proceedings in executive session. Grave debates have taken place among ourselves to know what fell under the definition of proceedings, and how far Senators may have mistaken the import of an order for removing the injunction of secrecy from the Senate's proceedings. Every word in this short clause has a parliamentary sense in which it must be understood: House—keep—publish—proceedings—all are parliamentary terms as here used, and must be construed by statesmen with the book of parliamentary history spread before them, and not by verbal critics with Entick's pocket dictionary in their hand.

Mr. President, we have borrowed largely from our English ancestors; and because we have so borrowed results the precious and proud gratification that our America now ranks among the great and liberal Powers of the world. We have borrowed largely from them; but, not to enter upon a field which presents inexhaustible topics, I limit myself to the precise question before the Senate. Then, sir, I say we have borrowed from England the idea of this Congress: its two Houses, their organization, their forms of proceeding, the laws for their government, and the general scope of their powers and of their duties, with the very words and phrases which define every thing; and so clear and absolute is all this, that, whenever not altered or modified by our own constitution, our own laws, and our own rules, the British parliamentary law is the law to our Congress, and as such is read, quoted, and enforced, every day. The English constitution requires a Parliament—a Parliament of two Houses—and it requires each House to keep a journal of its proceedings; and that duty has been performed with a fidelity, a jealousy, a care, and a courage, which shows them to have been as vigilant and as faithful in the preservation of their journals as we can ever be. The pages of their journals are traced back in a continuous line to the reign of Edward VI. The Clerk of the English House of Commons was the keeper of the journal, and he took an oath "to make true entries, remembrances, and journals, of the things done and passed in the House of Commons." As far back as 1641, the Clerk was moved against for suffering his journals, or papers committed to his trust, to be taken by members of the House from the table; and it was declared "that it was a fundamental order of the House that the Clerk, who is the sworn officer, and intrusted with the entries and the custody of the records of the House, ought not to suffer any journal or record to be taken from the table or out of his custody; and that if he shall hereafter do it, after this warning, that at his peril he shall do it." Many instances occur in the parliamentary history of England, of severe reprimands upon members for slight and innocent alterations in the journal, and merely to make them conformable to the fact; the House of Commons permitting none but the House itself to meddle with the journal; and when King James I sent for the journal, and tore out of it the celebrated declaration of their privileges which the Commons had made, the House took effectual care that that declaration should be the better known, and should be held the more sacred, for that very attempt to annihilate it. And, to comprise the whole in one word, and to show the reverence which the English Parliament had for their journals, the two Houses, as far back as the reign of Henry VI, by act of Parliament, affirmed them to be records, and compelled the judges to recognise them as such.—(Sir Edward Coke, in 4 Inst. 23, 24.) This suffices to show the high and sacred character of their journals in the eyes of the English Parliament; but this high and sacred character did not prevent the two Houses, each in its sphere, from rectifying any mistake in the journal, or expunging from it, by total obliteration, any entry that was unconstitutional, or untrue in law or in fact, or unfit to be drawn into future precedent. The business of rectifying mistaken or erroneous entries in the journals is as old as the journals themselves. The rectification is made by a committee appointed to inquire into the facts, and to report them to the House; and there is no limitation of time upon these inquiries. Instances occur in which the erroneous entry has been corrected four years after the mistake had occurred. The expunction or expurgation of the journal, and that by total obliteration of any improper matter put into it, is as early at least in England as Lord Strafford's case, in the reign of Charles I, and as late as the Middlesex election case, in the reign of George III. I have found no instance in which the right or the power of the House to expunge has been questioned. I have seen no instance in which the duty to keep a journal of its proceedings has been set up in opposition to any motion to expunge unfit matter from the journal; and, therefore, I hold it to be the settled law of Parliament that each House has power over its own journal, both to correct it and to efface objectionable matter from it. And this, Mr. President, brings me to the law of Congress, and the power of the two Houses over their journals. What is the law of Congress in regard to its powers and duties? It is the *Lex Parliamentaria*—it is the law of Parliament, except where changed or modified by ourselves. This is so entirely the case, that every book that we have on parliamentary law is English. We have not a book on the subject, nor even a treatise, nothing but the Manual of Mr. Jefferson, which is in itself an abstract from the English books, with the changes and modifications made by our rules and constitution. Our whole code of parliamentary law is English; and whoever wishes to understand it goes to the four quarto volumes of Hatsell, and the less voluminous compilations of Grey, Elsynge, and Dewes. Mr. Jefferson's Manual is little more than an index to these books, and is so declared by himself; and intended to supply, in a slight degree, the want of those books in this country. His own words in his preface, and the authority of English parliamentary practice, where not controlled by our own rules and constitution, will be too instructive on this occasion to be omitted, and I shall accordingly read a passage from the preface to his Manual:

"Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have endeavored to collect and digest so much of these as is called for in ordinary practice, collating the parliamentary with the senatorial rules, both where they agree and where they vary. I have done this, as well to have them at hand for my own government, as to deposite with the Senate the standard by which I judge, and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsell's most valuable book is pre-eminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend."

The authority of the English parliamentary law is here recognised, and brought into action over the Senate, in every case in which the precepts of the constitution and the rules of the Senate are silent; and on the head of expunging both are silent; the English parliamentary law, therefore, takes effect. It is to no purpose that gentlemen may recur to that poor little word, keep; it is in the English constitution, and in the English parliamentary law as much as it is in ours. But no one in England ever thought of that word except as an injunction to make a journal. No one ever thought of it as constituting the House of Commons, or the House of Lords, the *custos*, keeper, or preserver, of the journals, an office which cannot be performed by a collective body; but there as here, and in law as well as in fact, the Secretary and the Clerk are the keepers of the history of their proceedings which the two Houses cause to be daily written. And thus I hold that the right of expunging, even to the entire obliteration, is completely made out; of course that there can be no objection to the mode of expunging now proposed; a mode that saves the remedy and avoids the objection, and effectually expunges without the least obliteration.

Thus far, Mr. President, I have examined this objection in a mere verbal point of view, and shown that there is nothing in it, even in that contracted aspect, to prevent the Senate from executing justice upon this journal. But gentlemen who brought it forward did not limit themselves to that narrow view; they took a wider range, and argued earnestly that mischievous consequences would result, and actual injury would be inflicted on themselves and the country, if my motion should prevail. They maintain that a part of our legislative history would be destroyed; that a part of the journal would be annihilated; that the proceedings contained in the annihilated part would be lost to the public and to posterity; that their own proceedings would become illegible; that they would be deprived of the means of showing what they did, and how they acted. All these disastrous consequences, and all these actual wrongs and serious injuries to themselves and to the public, they stoutly maintained, would fall upon them if the proposed obliteration of the journal took place. And they affirmed that it was no answer to all these real injuries to say that the expunged part would be transferred to the new journal, and there preserved in full; for, they declared, this transfer would mislead and embarrass them; because they could not read the obliterated words in the place where they were first put, but would be disappointed in looking for them there, and might not be able to find them in their new place, under a different date, on another page, and in a different volume. This is the substantive part of the objection to my motion; and if there happened to be any reality in the supposed existence of all these wrongs and injuries, there might be some apology for the resistance they set up; but this is not the case; not one of these disastrous consequences will ever occur. All is mistake and delusion, the creation of fancy, the cheat of imagination, and the figment of the brain. There is nothing lost, nothing destroyed, nothing displaced. All will exist just as clearly, and just as usefully, for every practical and every legal purpose, as it now does; and this I will establish by proof in less time than it has taken me to state the proposition.

I request the Secretary to show me the Senate journals for 1833-'34; to tell me what the journals are, and how they are kept or disposed of.

[The SECRETARY stood up and said:

There is a manuscript copy of the journal, and a printed copy. The manuscript journal is but a single copy, and is the same that is read in the Senate every morning in sheets, and which is afterwards bound in a volume. From this manuscript one thousand and ten copies are printed, and distributed as follows: [The Secretary here showed the list of distribution, from which it appeared that twenty-five copies were to be placed in the library of Congress; two hundred and twenty-five were to be furnished to the Governors, Legislatures, universities, colleges, and incorporated historical societies, in each State; two copies each to each member of the Senate and of the House of Representatives; five copies each to the Vice President of the United States, to the Speaker of the House of Representatives, the heads of Departments, Attorney General, judges of the United States courts; two each to all bureau officers; twenty-five to the Secretary of State; thirty-five copies for the offices of the Secretary of the Senate and the Clerk of the House of Representatives; and two copies each to the ministers from Great Britain, France, Spain, Russia, Prussia, Sweden, the Netherlands, Denmark, Portugal, the Hanseatic Republics, Mexico, Colombia, Chili, Peru, Buenos Ayres, Brazil, and Central America; and to the consul general of the two Sicilies.]

Mr. B. resumed. We now arrive upon firm ground, and have solid matter to go upon. We can see and feel the question, and can handle both the objection and the answer to it. The Secretary's answer is the platform of my battery, and has already expunged the objection to my motion, whether the motion shall succeed in expunging the journal or not. He says there are two sets of journals; the manuscript, which consists of one copy; and the printed, which is multiplied to one thousand and ten copies. Hitherto the discussion has proceeded upon the assumption that there was but one copy of the journal, and that any erasure of that copy would be a total loss of the erased part. But now one thousand and ten other copies start up to our view, stand in array before us, and offer their multiplied pages to our free perusal; and the question now is, what are all these copies for? What use is made of them in fact, and in law? And the answer comes as quickly as the question can be put: first, in point of fact, that these printed journals are the only ones read, used, or referred to, either in this Senate, in the other House, before the public, or by the members themselves; secondly, that, in point of law, they are on an equal footing with the original manuscript volume, and received as legal evidence in every court of justice. Such are the decisions; and, not to impede the march of my argument, by the voluminous citation of cases, I refer you for a summary of them to Peake's Law of Evidence, American edition, by Norris, in the notes at the bottom of the pages 84, 85. He says, "the printed journals of Congress have been allowed to be read without proof of their authenticity," and refers to cases. This puts an end to all objections. It settles all questions. Take the constitution as you please, to make or to preserve journals, and it is complied with; for both is done. One copy is directed to be made; a thousand and ten are made. Parts are directed to be published; all is published. Suppose preservation is intended; the most ample precautions are taken to preserve them, and so to multiply them, that every State in the Union, and every kingdom, republic and empire, in Europe and the two Americas, shall possess copies, in addition to all the departments of the federal Government, the library of Congress, and the offices of the Secretary of the Senate and of the Clerk of the House. Besides all this, each Senator has two copies for himself. All these are equal in law, and many ten thousand times superior in use, to the manuscript journal. Suppose that one be blacked up and blotted out according to the import of the word expunge; is the expunged matter lost? Is any fact suppressed? Are gentlemen prevented from justifying themselves by showing what they had done? Is the knowledge of any thing extinguished? So far from it, that if the manuscript journal should be secretly withdrawn and burnt, not a Senator here would find it out to the end of his life, unless gratuitously told of it! so little does it enter into the head of any one to think of that journal, much less to look at it or to use it! Suppression of facts! Suppression of the knowledge of the fact that the Senate of the United States, in March, 1834, adjudged President Jackson to be guilty of having violated the laws and constitution of his country! The preposterour conception never entered our imaginations. We know that this act of the Senate is to live, and to live while American history lasts. We know that it is to gain new notoriety, and multiplied existences, from the very motion which I now make. To say nothing of our own action, my resolution, our speeches, the newspaper publications, and the universal attraction of the public mind to the subject, our own journals are again to become the recipient of its existence, and the instruments of its diffusion over the Union, the two Americas, and all Europe. The new manuscript journal, read this morning at our table, will contain every word of this judgment; the one thousand and ten copies to be printed will, every one, be honored with its impression.

Nothing is suppressed; nothing so insane is intended. The whole effect, and the whole design of the motion, is to declare the solemn sense of the Senate that such proceedings ought never to have taken place; that they were wrong from the beginning, and require a remedy which extirpates to the root. The order to expunge does this; and there is no other remedy which can amount to its equivalent, or stand for its substitute. It is the parliamentary phrase, and the only one in the whole vocabulary of parliamentary language, which implies that original, wrongful proceeding, which infers misconduct as will as error, and requires rebuke as well as reversal. Take any other phrase—go into circumlocution—string epithets together—write an essay; and all united will not express the meaning, and come up to the import of this single word. Reverse—repeal—rescind—annul—make void: none of them will do. They all admit either a legal or an innocent beginning, and fail in that flagrant conception of wrong which the word expunge alone imports. Try them by their accepted meanings: we reverse an attainder, repeal a law, and rescind an order; and none of these terms imply either misconduct or defect of power in the

Parliament which passed the attainder, enacted the law, or directed the order. A superior tribunal annuls and makes void the judgment of the inferior; the legal error is corrected, but judicial misconduct is not rebuked. These terms are all inadequate, and not only inadequate, but inapplicable; for they imply remedies which have no application to the state of the case against President Jackson. They all apply to future proceedings. They are all intended to arrest the progress of some measure still in a course of execution. Thus: we reverse an attainder, to stop the corruption of blood, and to prevent the forfeiture of estates; we repeal a law, to prevent its further operation; we rescind an order, to arrest its fulfilment; we annul and make void a judgment, to prevent execution from being taken out upon it. In all these cases there is something to be stopped or restored; but in President Jackson's case there is nothing; no corrupted blood to be purified or forfeited estates to be restored; no law in operation whose progress requires to be arrested; no order which ought to be revoked; no judgment on which execution of person or property can be taken out. The judgment against him attacks his character, not his person or property. It is a proceeding to disgrace his name, and to dishonor his memory; to cover him with odium now, and execration hereafter. It is a denunciation, a stigma, a brand; and if he is willing to wear it, his judges are content. No further proceeding is meditated. The Senate does not mean to chastise the guilt which it has denounced. They propose no fine, no imprisonment, no corruption of blood, no forfeiture of estate, no removal from office, and no disqualification to hold office. Their mercy stops short of all this. By a sort of gratuitous exercise of the pardoning power, they intermit the punishment which their judgment implies. They are content to let the culprit run, unwhipt of justice, but bearing to his grave the stigma they have put upon him, and delivering down to posterity the memory which they have attainted. This is what the Senate proposes; and it is absurd and nugatory, it is irrelevant, inapt, and supererogatory in us to apply a remedy which implies the arrestation of what is not impending. No, sir! our true remedy lies in the knife, with which we are to cut out; in the fire, with which we are to burn out; in the potential cautery, with which we are to extirpate the brand which has been stamped upon the first patriot of the age, for the most glorious action of his life. Expunge is the word, and expunge is the remedy. None of your reversals, repeals, rescisions, annullings, or vacatings; but let our Secretary bring the manuscript journal to his desk; open it in the presence of an assembled Senate and of attending multitudes, and, encircling the odious sentence with lines as black as its own injustice, let him inscribe upon its face the indelible decree: "Expunged by order of the Senate." Yes, sir; expunge is the word. It is the only one that befits the occasion. It is the only one that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of times. It is true, the word bears hard upon the Senate; it implies great misconduct in them; it amounts to a reproach. But let us hear nothing of that. Let us have no posthumous appeals to the comity and dignity of the Senate. Comity and dignity! Where were they during that prolonged denunciation of one hundred days, when this fell sentence of condemnation, like poison in the sick air, hung suspended over the pale face of the country, and over the devoted head of the President? when history was ransacked and language was tortured, to find examples and epithets infamous enough and odious enough to paint his crimes? when every furious passion, bursting from its long confinement in the bosom, came ranging through this hall, crying vengeance upon the wicked destroyer of his country, and shame upon every collared slave that took his part? Where were comity and dignity then? Trampled under foot in the hot pursuit after the devoted victim! Banished from this floor; and not from this floor only, but from those galleries, where the satellites of the bank assembled every day to applaud the assailants, and to hiss the defenders of the President, and to triumph in the impunity which the benevolence of the majority accorded to their insolence. Expunge is a severe remedy, but it is a just one. It reflects reproach, but the fault is not ours, but of those who compel us to use it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the democracy of America. Let us give it to the aged sire, that he may hand it down to his heir; to the matron, that she may deliver it to her manly son; to the young mother, that she may teach her infant babe to suck in the avenging word expunge, with the life-sustaining milk which it draws from her bosom.

Mr. B. said that he had chosen to make out his case upon reason and argument, with as little reference as possible to precedent and authority. I am, said he, in favor of the arguments which convince the understanding, in contradistinction to the authorities and precedents which subdue the will. I wish always to receive reasons myself, and therefore feel bound to render them. Addressing an enlightened Senate, and an intelligent community, I look to their understandings, and feel safe while I speak to their judgment. I have, therefore, postponed to the last an authority drawn from our own history—an authority drawn from the history of the American Senate--covering the whole ground of the present case, and going far beyond what I now propose to do. It is a precedent of thirty years' standing, occurring in the good days of Mr. Jefferson, when the democracy were in the ascendant in both Houses of Congress, and when the fathers of the republic, the framers of the constitution, were in full life and full power to protect their work, and to see that nothing was done to impair the constitution which they had established.

Mr. B. then read:

SENATE JOURNAL—*Monday, April* 21, 1806.

"On motion that every thing in the journal relative to the memorials of S. G. Ogden and William S. Smith be expunged therefrom, it was passed in the affirmative:

"Yeas—Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchell, Smith of Maryland, Smith of New York, Stone, Thruston, Worthington, and Wright--13.

"Nays--Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, and White—8."

[Mr. PORTER, of Louisiana, rose to inquire of the Senator from Missouri, at what time it was that this order for expunging had been made by the Senate, and especially whether it was at the same session.]

Mr. BENTON replied that he was too well practised in these contests to suffer his fire to be drawn until he was ready to deliver it. He would answer the Senator from Louisiana, but not until he had arrived at the point at which the answer and the reasons for showing the immateriality of time in this case could be given together. In the mean time, he would caution the gentleman against taking a position upon so small a point—upon a distinction without a difference; and to warn him, if he did, that he might find himself suddenly blown up.

This (said Mr. B.) is an entry which we find upon our printed journal; and searching the same journal over to see what these memorials were, and what had been the proceedings of the Senate upon them, and wherefore they were ordered to be expunged, nothing, no, not any thing, no trace of these proceedings, could any where be found. Recourse was then had to the manuscript journal of that year, and searching it carefully over, not a speck of the expunged proceedings could be found, nor even the place at which the expurgation had been made. And here Mr. B. exhibited the manuscript journal to verify his statement. Unwilling to be foiled in the search, with the aid of a clerk, one of his friends had ascended to the garret rooms of the Capitol, and there, at the top of the building, they had got to the bottom of this affair, and found the original minutes of the session of 1806, drew them out from their thirty years' sleep, and reconducted them into the Senate chamber. [Here Mr. B. exhibited a large unbound volume of manuscript sheets, bearing strong marks of age. They were the minutes of 1806, from which the fair copy of the bound journal had been made.] On these original minutes every thing appeared—the presentation of the memorials—the statement of their contents--the Senate's leave to withdraw them —and, finally, the order to expunge every thing. Mr. B. then read the following extracts from these minutes:

"Mr. Adams communicated two memorials, one from Samuel G. Ogden, and the other from William S. Smith, stating that they are under a criminal prosecution for certain proceedings into which they were led by the circumstances that their purpose was fully known to, and approved by, the executive Government of the United States; that on this prosecution they have been treated by the judge of the district court of the United States at New York, Mathias B. Tallmadge, Esq., in such a manner that the same grand jury which found the bills against them made a presentment against the judge himself, for his conduct in taking the examination and deposition of the said Samuel G. Ogden. And the memorialists, considering Congress as the only power competent to relieve them, submit their case to the wisdom of Congress, and pray such relief as the laws and constitution of this country and the wisdom and goodness of Congress may afford them; and the memorials were read; and, on motion,

"*Ordered*, That the memorialists have leave to withdraw their memorials, respectively."

Mr. B. said that these entries showed a part of what was wanted, but not the whole; they were deficient in showing the reasons upon which the Senate acted in ordering the expurgation, although these reasons might be well guessed at from the statement of the contents of the petition. Other searches were then instituted into the newspapers of the day, and the journal of the House of Representatives. He was told, for he had not looked himself, that the copy of the National Intelligencer in the Library of Congress was either silent on the point, or minus a page, at that part; but the journal of the House supplied the defect, and showed that the same memorials were presented in that body, on the same day, and that they had been ordered to be returned to the petitioners, for reasons set forth in a resolve of the House. These proceedings of the House he would then read:

JOURNAL OF THE HOUSE OF REPRESENTATIVES—*Monday, April* 21, 1806.

"Mr. Quincy presented to the House two several memorials of Samuel G. Ogden and of William S. Smith, of the city of New York, which were received and read, respectively stating that they are under a criminal prosecution, now depending in the circuit court of the United States for the district of New York, for an alleged offence against the laws of the United States, in which, if guilty, they have been led into error by the conduct of officers of the executive Government, who now intended to bring upon the memorialists the penalties of the laws, and to sacrifice their characters, fortunes, and liberty, in expiation of their own errors, or to deprecate the vengeance of foreign Governments, by offering the memorialists as a victim to their resentment: that they have also experienced great oppression and injustice in the manner of conducting the said prosecution; and praying such relief therein as the wisdom of Congress may think proper to grant."

"The House then proceeded to consider the said memorial: whereupon, on motion of Mr. Early, and seconded, that the House do come to the following resolution:

"*Resolved*, That the charges contained in the memorials of Samuel G. Ogden and William S. Smith are, in the opinion of this House, unsupported by any evidence which, in the least degree, criminates the executive Government of this country; that the said memorials appear to have been presented at a time and under circumstances insidiously calculated to excite unjust suspicion in the minds of the good people of this nation against the existing administration of the general Government, and that it would be highly improper in this House to take any step which might influence or prejudice a cause now depending in a legal tribunal of the United States; therefore,

"*Resolved*, That said memorials be, by the Clerk of this House, returned to those from whom they came."

Having read these entries from the Journal, Mr. B. said the Senate would doubtless wish to see how the resolution of Mr. Early was disposed of, and whether the memorials of Messrs. Ogden and Smith were actually returned to them. He said that such was the fact. The resolution of Mr. Early was adopted, not in one resolve, but piece by piece. Divisions were called, and separate votes taken upon every separate member of the resolution, making five sets of votes, and all carried in the affirmative, by yeas varying from 70 to 75, nays varying from 15 to 8. The first list of nays, were: Messrs. Silas Betton, Christopher Clark, Samuel W. Dana, Caleb Ellis, William Ely, Joseph Lewis, Jr., Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, Jr., Josiah Quincy, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, William K. Van Renssellaer, Peleg Wadsworth.

Mr. B. then remarked upon the passages which he had read from the Senate and House journals. He said that they established every point which was material to be made out in support of his motion; they establish both the right to expunge, and the duty to expunge, in such a case as is now presented in the proceedings against President Jackson. The memorials which were presented in the Senate and in the House of Representatives contained criminal charges against President Jefferson. They went to criminate him as a conniver at a violation of the laws, and to stigmatize him for bad faith to those who had been his dupes. The petitions were in duplicate, and were presented simultaneously in the two Houses. In the House of Representatives they were instantly met by a resolve denying their truth, declaring them to be unfit matter to be presented to the House, and ordering them to be returned to the petitioners. In the Senate they were first ordered to be returned, but no reason assigned; they were then ordered to be expunged from it; and were expunged in the most effectual and irrecoverable manner. They were dropped from the volume. The very pages which contained them were dropped and omitted. For the journal being still in loose sheets, the sheets which contained the obnoxious proceedings were left out of the bound volume, and thus all trace of their existence disappeared. It is only by looking to the minutes and the journal of the House of Representatives that we can find out what these petitions were. Such is the case of 1806. It is a complete and perfect precedent for the case of 1836. The memorials were attacks upon Mr. Jefferson. They contained impeachable matter against him. They charged him with connivance and secret participation in the unlawful, disastrous, and tragical expedition of Miranda. The charges which they contained had filled all the opposition newspapers of the day, and had been used for every purpose of party warfare against him. To get these criminal charges on the journals was the next object. In the Senate, and in the House of Representatives, they were presented by the political enemies of Mr. Jefferson, and so far as they received support or countenance, it was from the ranks of the opposition. So of the proceeding against President Jackson. They are attacks upon him. They charge him with violating the laws and the constitution. They go to criminate and stigmatize him. The charges which they exhibit were universally circulated in the opposition newspapers before they were presented in the Senate. The Bank of the United States had formally accused the President, and all the publications of the day, periodical, diurnal, and what not, that espoused the cause of the bank, were filled with the charges. Party warfare had used them to the uttermost in the fall elections of 1833; but that was not sufficient; the same party spirit, and the same party, the bank federal party, which in 1806 wished to have its charges against President Jefferson transferred from the newspapers to the journals of Congress, thence to be transmitted to posterity as a part of the legislative history of the country; that same spirit, and that same party, has wished to do the same thing with the accusations against President Jackson. The Congress of 1806, both House and Senate, met this unconstitutional attempt as it deserved. The House refused the memorial, and voted it to be unsustained by evidence, and reprehensible in its character; the Senate ordered the whole proceeding, and every trace and letter of it, to be expunged from the journal. It is to no purpose, Mr. President, that any one may attempt to draw a distinction where there is no difference. It is to no purpose that any one may attempt to draw a distinction between expunging at the same session, and at a subsequent one. There is no difference between the cases. The right to expunge rests upon the right to keep the journal clear of what ought never to be upon it. It rests upon the right to purify it from any thing improper, which inadvertence, mistake, or the injustice, virulence, and fury of party spirit, may have put upon it. To this purification there is no limit of time, either in law or in morals. It is not a case for a statute of limitations. Thus, from its very nature, the purification of the journal is to be effected when it can be; and that always implies a time posterior to the wrong; and in the case of faction, it implies a time posterior to the downfall of the faction. The precedent of 1806 meets the objection of 1836. It meets it full and fair in the face. The objection is, that the Senate is bound to preserve is proceedings; that it must write down all its proceedings in the journal, and then preserve them for ever; never altering, changing, or effacing one word, one letter, one iota, one tittle, of the sacred work, from the moment it is to be done to the end of time. This is the objection; and it has been repeated rather too often to be itself changed or altered to avoid the overpowering authority of the precedent of 1806. And this, sir, is my answer to the Senator from Louisiana, [Mr. PORTER.] I tell him the expunging was not only at the same session, but on the same day that the proceeding took place.

I would here drop this head of my argument, but it seems that something has occurred in our own history on which gentlemen rely, either to justify themselves or to criminate their opponents; I allude to the case of Mr. Barry, who was condemned for a violation of the laws by the unanimous vote of the Senate. This was done at the same session, and a few months later than the President was condemned. Both parties voted for that condemnation of Mr. Barry; and it is argued this must sanction the proceeding against the President, or involve in an inconsistency those who voted for that condemnation without objection, and now object to the proceeding in the case of the President. Not so the fact or the consequence. The proceeding against Mr. Barry was objected to, and that in the very first stages of it, upon the same grounds on which we now stand in the case of the President; and the vote which was given by me and my friends was a vote forced upon us by the majority of the Senate, and, being so forced upon us, was given, as we believed, according to the truth and the fact. I well recollect that vote, and the conversation among ourselves to which it gave rise. Some thought we should vote against it, on the ground that the proceeding was unconstitutional, and that a vote in in its favor would commit us on that point; others, of whom I was one, objected to the negative vote, because it would be against evidence, and would subject us to the imputation of voting as partisans, and not as Senators, and because a negative vote admitted the jurisdiction, just as much as an affirmative one. Upon these grounds, and because the majority had the power, and enforced it, to compel a vote, we took the alternative which truth seemed to require, and acted upon the same principle in both cases, that of Mr. Barry and that of President Jackson, voting according to what we believed to be the fact in each case. But let no one delude himself with the notion that the proceeding against Mr. Barry was not objected to! Let no one suppose that the difference in rank has made a difference in the opinions held in the two cases! The proceeding against Mr. Barry was objected to, and fully and unequivocally, in open debate, and upon all the grounds assumed afterwards in the case of President Jackson. Here is the proof, taken from the debate of February 10, 1831, and preserved in the congressional history of that period. The debate was on the adoption of a resolution, of criminative aspect, concerning the examination of witnesses as to the causes of their removal by the Postmaster General from office, and the speaker the same that now addresses you.

"Mr. Benton then rose and said that he did not appear on the floor for the purpose of joining in the debate, nor to express any opinion on the truth of the allegations so violently urged against the Postmaster General. He had no opinion on the matter, and did not wish to have one, except it was that presumptive opinion of innocence which the laws awarded to all that were accused, and which the pure and elevated character of Mr. Barry so eminently claims. If impeached, it might be his duty to sit in judgment upon him, or, if he had an opinion in the case, to retire from the judgment seat; as he could neither reconcile it to the dictates of his conscience, nor the rights of the accused, to take the oath of a judge, with a preconceived opinion in his bosom, to be dropped out as soon as the forms would permit. He rose, he repeated, not to accuse or to absolve Mr. Barry, but to express his opinion of the character of the proceeding which was carrying on against him, and to intimate an idea of what might be proper to be done hereafter in regard to it. He then affirmed that he looked upon the whole proceeding, from its first inception to that moment, as one of eminent impropriety, compromising the judical purity of the Senate on one hand, and invading the privileges of the House of Representatives on the other. The Senate, under the constitution, tries impeachments—the House of Representatives prefers them.

Each has its assigned part to act, and it is an invasion of privilege for either to assume the part of the other. If the tenth part of the matter so furiously urged against Mr. Barry was true, or even founded in probability, he might come before the Senate for trial; and it would be a horrid mockery of judicial forms for his future judges to take the lead now in the case of accusation, and to excite, promote, foment, and instigate charges against him. To the House of Representatives belonged that painful part of the business; and the present proceedings in the Senate must appear to them as an invasion of their privilege, and an implied censure upon their negligence. It did seem to him that the House of Representatives might take notice of the proceeding, and feel itself bound to vindicate its rights; and the two Houses thus be brought into serious collision. To avoid these consequences, as well as to escape a compromise of the judicial character of the Senate, he was decidedly of opinion that the debate and the proceeding should terminate immediately. This would save the further evils, to the Senate itself, which might ensue. As to the past, the proceedings already had, he declared that he thought them a fit subject for that operation which had been performed upon the record of Wilkes's expulsion from the British House of Commons, upon the record of the Yazoo fraud, and upon the record of the Massachusetts General Assembly, which declared it to be unbecoming the character of a moral and religious people to rejoice in the victories of their country. He declared it to be his deliberate opinion that the history of the whole proceeding against Mr. Barry ought to be expunged from the Journals of the Senate! Total expurgation from the journals was the most appropriate means in the power of the Senate to restore its own injured character—to make atonement to the invaded privileges and insulted feelings of the House of Representatives; and, what, perhaps, was still more important, to prevent this evil example, this horrid combination of the accusing and trying functions, from being drawn into precedent in future times, when the party in power, and predominant in the Senate, might want the spoils of a victim. If the American Cato, the venerable Macon, was here, it would be his part to become the guardian of the honor and dignity of the Senate; in his absence, that high duty might devolve, at an appropriate time, upon some aged Senator. If none such undertook it, it might become his part to consider how far their places ought to be supplied by a less worthy and a less efficient member."

This, sir, is what I said in the case of Mr. Barry in the month of February, 1831, just five years ago, and full three years before the proceeding against President Jackson. I took ground for him as promptly, as unequivocally, as I took it for President Jackson. I took the same ground for him that I took for the President. Gentlemen will, therefore, see how far they have been correct in supposing that we have been inconsistent, or inattentive, or unjust, and how far we have been detected in keeping two measures for meting out justice to different ranks. They may see also how far my voice has been prophetic in warning the Senate against the dangers of an evil example, which might be drawn into precedent at a future time, when the party in power, and predominant in the Senate, might pant for the spoils of an illustrious victim!

After this preliminary view of the rights and power of the Senate over its journal, and in vindication of its authority to expunge by total obliteration, and consequently to expunge by an order instead of an erasure, Mr. B. came to the merits of the question, and said the view which he proposed to take of the proceedings against President Jackson required him to proceed to the fountain head and original source of this extraordinary process. It did not originate in the Senate of the United States, but in the Bank of the United States! and all that the Senate has done has been to copy the proceeding of which that institution was the author. A statement so material as this, (continued Mr. B.,) and which goes to exhibit the Senate of the United States as following the lead of the Bank of the United States in the condemnation of the President, cannot be made without evidence at hand to support it. No assertion of such a thing should be made, except as an introduction to the proof. Fully aware of this, it is my intention to economize words, to dispense with assertion, and to proceed directly to the evidence. With this object, and without adverting at present to a mass of secondary evidence in the bank gazettes of the autumn of 1833, I have recourse at once to a publication issuing directly from the bank—a pamphlet of fifty pages, issued by the board of directors on Tuesday, the 3d day of December, 1833. This was the same day on which the President of the United States delivered his annual message to Congress, and the day on which it was known everywhere that he would deliver it. On that day the president of the Bank of the United States sat at the head of his board of directors; and, taking cognizance of the imputed delinquencies of President Jackson, they proceeded to try and condemn him for a violation of the laws and constitution of his country—to denounce him for a despot, tyrant, and usurper—to assimilate him to counterfeiters—to load him with every odious and every infamous epithet—to indicate his impeachment to Congress—to argue at great length to prove him guilty—to order 5,000 copies of the argument and proceedings to be printed, and a copy to be furnished to each member of the Senate and House of Representatives. As a member of the Senate I had the honor to receive one of these pamphlets, the only favor I ever received from that institution, and for which I hope to show myself mindful by the use which I make of it. It is from that pamphlet that I now quote; and I shall first read the order for its adoption and publication, to show the authenticity of its origin, the gravity of its character, and the formality with which the board of directors, sitting as a high court of justice, took cognizance of the imputed offences of the President, pronounced him guilty, and promulgated their sentence to the world.

"BANK OF THE UNITED STATES,
"TUESDAY, *December* 3, 1833.

"At an adjourned meeting of the board of directors, held this evening—present: Nicholas Biddle, president, Messrs. Willing, Eyre, Bevan, White, Sergeant, Fisher, Lippincott, Chauncey, Newkirk, Macalester, Lewis, Holmes, Gilpin, Sullivan, and Wager.

"Mr. Chauncey, from the special committee appointed on the 24th September, presented the following report, which was read.

"Whereupon Mr. Chauncey moved the following resolution:

"*Resolved*, That the said report, with the accompanying resolution, be adopted.

"Upon this motion the yeas and nays were called for; when it was carried by a vote of 12 to 3, as follows:

"Yeas—Messrs. Willing, Eyre, Bevan, White, Sergeant, Fisher, Lippincott, Chauncey, Newkirk, Lewis, Holmes, and Biddle—12.

"Nays—Messrs. Gilpin, Sullivan, and Wager—3.

"On motion, it was resolved, that 5,000 copies of the said report be printed for the use of the stockholders of the bank.

"Extract from the minutes.

"S. JAUDON, *Cashier.*"

Mr. B. then read the following extracts from the report, thus adopted by the board:

"The committee to whom was referred, on the 24th of September, a paper signed 'Andrew Jackson, purporting to have been read to a cabinet on the 18th; and also another paper signed 'H. D. Gilpin, John T. Sullivan, Peter Wager, and Hugh McEldery,' bearing date 19th of August 1833, with instructions to consider the same, and report to the board whether any, and what, steps may be necessary, on the part of the board, in consequence of the publication of the said letter and report, beg leave to state that they have carefully examined these papers, and will now proceed to state the results of their reflections in regard to them." * * *

"Of the paper itself, and of the individual who has signed it, the committee find it difficult to speak with the plainness by which alone such a document, from such a source, should be described, without wounding their own self-respect, and violating the consideration which all American citizens must feel for the chief magistracy of their country. Subduing, however, their feelings and their language down to that respectful tone which is due to the office, they will proceed to examine the history of this measure, (removal of the deposites,) its character, and the pretexts offered in palliation of it." * *

"It would appear from its contents, and from other sources of information, that the President had a meeting of what is called the cabinet, on Wednesday, the 18th of September, and there read this paper. Finding that it made no impression on the majority of persons assembled, the subject was postponed, and in the mean time the document was put into the newspapers. It was obviously published for two reasons. The first was to influence the members of the cabinet, by bringing to bear upon their immediate decision the first public impression excited by misrepresentations, which the objects of them could not refute in time; the second was, by the same excitement, to affect the approaching elections in Pennsylvania, Maryland, and New Jersey." * * * * "The indelicacy of the form of these proceedings corresponds well with the substance of them, which is equally in violation of the rights of the bank and the laws of the country." * * * * * * "That the Secretary of the Treasury, and the Secretary of the Treasury alone, has the power to remove them, (the deposites,) that officer being specially designated to perform that specific duty, and the President of the United States being, by the clearest implication, forbidden to interfere." * * * "The whole structure of the Treasury shows that the design of Congress was to make the Secretary as independent as possible of the President. The other Secretaries are merely executive officers; but the Secretary of the Treasury, the guardian of the public revenue, comes into more immediate sympathy with the representatives of the people, who pay that revenue; and although, according to the general scheme of appointment, he is nominated by the President to the Senate, yet he is in fact the officer of Congress, and not the officer of the President." * * * * * * * *

"It is manifest that this removal of the deposites is not made by the order of the Secretary of the Treasury. It is a perversion of language so to describe it. On the contrary, the reverse is openly avowed. The Secretary of the Treasury refused to remove them, believing, as his published letter declares, that the removal was 'unnecessary, unwise, vindictive, arbitrary, and unjust.' He was then dismissed because he would not remove them, and another was appointed because he would remove them. Now, this is a palpable violation of the charter. The bank and Congress agree upon certain terms, which no one can change but a particular officer, who, although necessarily nominated to the Senate by the President, was designated by the bank and Congress as the umpire between them. Both Congress and the banks have a right to the free, and honest, and impartial judgment of that officer, whoever he may be: the bank, because the removal may injure its interests; the Congress, because the removal may greatly incommode and distress their constituents. In this case they are deprived of it by the unlawful interference of the President, who 'assumes the responsibility,' which, being interpreted, means, usurps the power of the Secretary. To make this usurpation more evident, his own language contradicts the very power which he asserts." * * *

"But a judicial investigation of his charges is precisely what he dreaded. The more summary and illegal invasion of the powers of others seems to have more attraction than the legitimate exercise of his own." * * *

"But the wrong done to the pecuniary interests of the bank sinks into insignificance, when compared with the deeper injury inflicted on the country, by this usurpation of all the powers of the Government." * * *

"Certainly, since the foundation of this Government, nothing has ever been done which more deeply wounds the spirit of our free institutions. It, in fact, resolves itself into this, that whenever the laws prescribe certain duties to an officer, if that officer, acting under the sanctions of his official oath and private character, refuses to violate that law, the President of the United States may dismiss him, and appoint another; and if he, too, should prove to be a 'refractory subordinate,' to continue his removals until he at last discovers, in the descending scale of degradation, some irresponsible individual fit to be the tool of his designs. Unhappily there are never wanting men who will think as their superiors wish them to think—men who regard more the compensation than the duties of their office—men to whom daily bread is a sufficient consolation for daily shame." * * * "At this moment the whole revenue of this country is at the disposal, the absolute, uncontrolled disposal, of the President of the United States. The laws declare that the public funds shall be placed in the Bank of the United States, unless the Secretary of the Treasury forbids it. The Secretary of the Treasury will not forbid it. The President dismisses him, and appoints somebody that will. So the laws declare that no money shall be drawn from the treasury except on warrants for appropriations made by law. If the Treasurer refuses to draw his warrant for any disbursement, the President may dismiss him, and appoint some more flexible agent, who will not hesitate to gratify his patron." * * * * "The power is asserted in a tone fitter for the East than for any country claiming to be governed by laws." * * * * * "At this moment the process of evading the law is in full practice. By the constitution of the United States, no money shall be drawn from the treasury but in consequence of an appropriation made by law. But there has been a usage of transferring funds from one branch of the Bank of the United States to another, or one State bank to another, when the public service required disbursements at remote places. This transfer draft has been abused," &c. * * * * "The committee (of the bank) willingly leave to the Congress of the United States the assertion of their own constitutional power, and the vindication of the principles of our Government against the most violent assault they have ever yet encountered, and will now confine themselves to the more limited purpose of showing that the reasons assigned for the measures are as unfounded as the object itself is illegal."

When Mr. B. had read thus far, he stopped, closed the pamphlet, and said that he had arrived at the point where the bank divided the criminal from the civil proceedings against the President, and, consigning him to Congress for the notice which was due to the violation of the laws and constitution, it proceeded to make out its own case for damages for the loss of the deposites, and to adopt a resolve to claim redress for that injury.

The argument in the whole pamphlet is pertinent to the motion now before the Senate, as showing the relation between the proceedings of the bank and the proceedings of the Senate against the President, and how closely the latter, arguments and all, were copied from the former. The whole pamphlet was pertinent to his motion, and it ought to be printed and preserved among the public documents, as a part of the history of the case; but time forbid him to read any more; and having arrived at the point where the bank turned over the President to Congress for criminal prosecution, and where the Senate took it up, he went on to say: The three resolves which I have read, though varied in their forms, are all intended to accomplish what the bank indicated when it vouchsafed "to leave to the Congress of the United States the assertion of their own constitutional power, and the vindication of the principles of our Government, against the most violent assault they had ever encountered;" and the first of these three was accompanied by another resolve which pursued the civil branch of the subject which the bank had reserved to itself; namely, to show that the reasons assigned for the removal of the deposites were "unsatisfactory and insufficient," or, as the bank pamphlet expresses it, "unfounded as the object itself is illegal." Thus the proceedings in the Senate and in the bank were identical; and, what is too obvious and striking to escape observation, the very form of commencing the work against the President, and the precise material upon which the work was commenced, was the same in both bodies. The bank commenced its process, and took for the foundation of its proceeding "a certain paper, signed 'Andrew Jackson,' and purporting to have been read to what was called a cabinet on the 18th day of September, in the year 1833." So of the proceeding in the Senate. It takes for its commencement, and for its foundation, the same identical paper, and, in every essential phrase, describes and calls for it in the same words. Our journal of that period, at page 40, and for Wednesday, the 11th of December, 1833, just nine days after the promulgation of the bank proceedings, exhibits an entry in these words:

"The following motion, submitted by Mr. Clay, was considered:

"*Resolved*, That the President of the United States be requested to communicate to the Senate a copy of the paper which had been published, and which purports to have been read by him to the heads of the executive Departments, dated the 15th day of September last, relating to the removal of the deposites of the public money from the Bank of the United States and its offices."

This call was adopted by the Senate. The President was requested to furnish the paper described; and, upon his declining to do so, the Senate of the United States proceeded, as the Bank of the United States had previously done, to use the copy of the paper, as found in the columns of the Globe.

Upon the contents of this paper two distinct resolutions were submitted by a Senator from Kentucky, [Mr. CLAY]—one criminal, the other civil. The criminal resolution has been read. It stands at the head of the three resolves quoted in the preamble to the resolution which I have offered, and follows not only the charges and the specifications which the bank had preferred against the President, but uses the very words which that institution had used. The civil resolution offered at the same time is not inserted in the preamble, because the expunging process is not proposed to reach it; but it is necessary to read it by way of identifying the proceedings of the bank and of the Senate, and to show how faithfully the Senate took up the cause of the Bank. This is it:

"*Resolved*, That the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States deposited in the Bank of the United States and its branches, communicated to Congress on the 3d day of December, 1833, are unsatisfactory and insufficient."

The reasons assigned for the removal were voted by the bank to be unfounded; by the Senate they were voted to be unsatisfactory and insufficient; showing the exact division of the subject in the Senate to be what it was in the bank, and expressed in the same phrases.

The bank refers the paper which was read to what was called a cabinet to one of its committees, to report "what steps are necessary to be taken on the part of the board." They report two steps: First, to vindicate the constitution and laws from the most violent assault they had ever encountered, which, being interpreted, signified to impeach him; and such was the language of the bank gazettes, and a member actually named who was to move the impeachment. Secondly, to assert its own right to redress for the injury of removing the deposites. Both these steps were pursued in the Senate; only, for want of a regular impeachment preferred by the House of Representatives, the Senate took it up irregularly, as indicated by the bank.

I do not detain the Senate, Mr. President, to make any remark upon the unparalleled and almost incredible audacity of this moneyed institution, which, erecting itself into a co-ordinate branch of the federal Government, and assuming a political, judicial, and moral supremacy over the President of the United States, takes cognizance of his imputed offences, refers his conduct to one of its committees as to a grand jury, receives a report arraigning him for a public crime as well as for a private injury, adopts it in both aspects, and adjudges him guilty of the crime, while it demands redress for the injury, with the unceremonious indifference and perfect self-complacency which belongs to the conduct of an established constitutional tribunal. Nor do I comment upon the significant intimation for an impeachment, which their high mightinesses, the serene directors of this moneyed corporation, so distinctly hold out to Congress. Nor shall I dwell upon the coincidence that the bank proceeding against the President should have made its appearance in Philadelphia cotemporaneously with the assembling of Congress in this city. All these circumstances, and many others, will naturally attract the attention and excite the reflections of the people. My purpose at present is quite different. It is to show that the Bank of the United States is the original author of all the proceedings against the President, and that what has been done in this chamber is nothing but a copy of what had first been done at the board of directors in the city of Philadelphia. The extracts which I have read are sufficient for the present, and I shall only refer, at this time, in confirmation of them, to the columns of the bank gazettes at that period; the meetings got up by the bank to condemn the President; the committees and memorials sent here; the purchase by the bank of 800,000 copies of the speeches made against the President; its efforts to distress and alarm the country; and the palpable line which is still drawn in the Legislatures of all the States, between the friends of the bank and the friends of the President, wherever expunging resolutions are brought forward.

These are sufficient to prove that the bank, from first to last, took charge of this proceeding against the President; that she originated it, followed it here, nursed and cherished it, adopted all that was done, and now opposes the expunging resolutions in the different States with such fidelity that the list of votes, except in Tennessee, and some individual exceptions in the other States, shows the question of expunging to be a mere bank question, to be lost or carried as the bank party predominate or not in the Legislature.

Mr. B. then took up his expurgatory resolution, and said that he had digested his motion, for the sake of a more convenient and intelligible presentation of his subject, into a series of distinct propositions, covering the whole ground of the case, yet separating the parts, so that a distinct consideration and a distinct vote may be taken on each distinct point:

I. The first proposition which I submit assumes the cardinal position that the proceeding against President Jackson was for an impeachable offence; and that, being conducted without the forms of an impeachment, it was, by consequence, irregular, illegal, unconstitutional, and subversive of the fundamental principles of law and justice.

The stress of this proposition lies in the position that the offence charged upon the President was impeachable; and, to maintain this position, I shall show, first, what it is that constitutes an impeachable offence under our constitution; and next, what the offence is that the President was charged with.

By section 4, article 2, of the constitution, the President may be impeached:

1. For treason;
2. For bribery;
3. For other high crimes;
4. For misdemeanors.

Here are four classes of offences for which impeachment lies; two of them well defined by common and constitutional law; and two of them resting, not upon strict legal definitions, but rather upon the general acceptation of terms, and the moral sense of the community. Treason and bribery have their precise definitions; other high crimes and misdemeanors have their import, but have not been legally defined, so as to include all cases which may fall under their heads. They were evidently adopted by the framers of the constitution, on purpose to include all the unknown and all the possible cases of malfeasance in office which should amount either to a high offence, or to a petty offence, and for which the officer might deserve actual punishment at common law, or a mere removal from that particular office, or a general disqualification to hold any office whatever. A crime is a great offence; a misdemeanor is a petty offence. A high crime is always understood to be some great offence against the State or the public; a misdemeanor is some petty offence in office, consisting of any kind of misbehaviour, or ill behaviour. So say the books. It would be sufficient for my argument to show that the offence charged upon President Jackson by the Senate of 1833-'34, was one of those petty offences growing out of misbehaviour, or ill behaviour in office, which constitutes a misdemeanor; for even that would be impeachable, and would sustain my position that the President was adjudged guilty of an impeachable offence. But I will not wrong the Senators who passed that judgment upon him so far as to lower their charge to the petty offence, which constitutes a mere misdemeanor. I will not undertake to deprive them of their excuse or justification for alarming and agitating the country as they then did, and denouncing President Jackson with the violence then exhibited, by reducing the offence with which they charged him to the mere misbehaviour which amounts to misdemeanor. But I will take the charge in its natural import, and according to the understanding of it then manifested by gentlemen in all their speeches; and, according to these, I say that President Jackson was charged with a great, heinous, and daring offence; and, being so charged, was impeachably charged, not with a petty misdemeanor, but with a high crime.

How was he charged? The record answers that he was charged, first, with assuming the exercise of a power over the treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people; because he dismissed Mr. Duane from the Treasury Department, and appointed Mr. Taney to it. Secondly, with assuming the exercise of a power over the treasury of the United States, not granted to him by the constitution and laws, and dangerous to the liberties of the people; because he took upon himself the responsibility of removing the deposites from the Bank of the United States; and, thirdly, with assuming upon himself authority and power not conferred by the constitution and laws, but in derogation of both; because of the late executive proceedings in relation to the revenue. These were the charges; and how much soever the specifications were again and again changed, and finally all dropped, yet the charge itself remained the same, and wears its meaning plainly on its face, that of usurping power and authority, and violating the laws and constitution of the land. This is the plain meaning of the charge in every instance of its threefold repetition, and so was understood and expressed by every speaker, who constantly applied the terms of usurper and violator of the laws and constitution, and rummaged history to find, in the lives of the most odious of tyrants, acts of usurpation and of lawless violence sufficiently infamous, wicked, and dangerous, to exemplify the conduct which they charged upon the President.

The precise words in the resolve adopted fully charge the violation, and that twice over. To assume power not conferred by the laws and constitution is to violate the laws and the constitution; to do an act in derogation of both is, in the President, a violation of both. The legislative power may derogate from a law, that is to say, can repeal and take away a part of it; but it cannot derogate from the constitution, that is to say, repeal or take away a part of it; and the attempt to do it is to violate it. The President can neither derogate from the common law, nor from statute law, nor from the constitution. He has no repealing power over them; by consequence, to derogate from them is to violate them.

Mr. B. well recollected that some of the gentlemen in opposition called the President's conduct a gross abuse of power. Be it so. The smallest abuse of power is a misbehaviour in office, and a misdemeanor, for which the officer may be impeached; a gross abuse of power is a high crime, for which impeachment also lies. The charge then still continues impeachable, whether qualified as a gross abuse of power, or charged as a direct violation of law.

The charge, then, stripped of its thin disguise, taken in its obvious sense, and put into the words proclaimed by every speaker, is a charge of usurpation of power and authority, and of a violation of the laws and constitution. I do not make a separate head of the usurpation here charged, because it is merely subsidiary in its reference, and explanatory in its import, of the main charge more distinctly expressed. To usurp power and authority is to seize upon power and authority without right or law; to violate the laws and constitution is to do the same thing; so that all the charges substantially end in one, that of violating the laws and the constitution. Is this a petty offence, or a great crime? It is sufficient for my argument that it should be a petty offence; but truth and justice will qualify it as a great crime. In a country of law, the violation of law is always a crime. In the mere citizen it is criminal, in the common magistrate it is heinous, in the chief officer of a republic it is atrocious and parricidal. In a President of the United States, bound by his oath not only to preserve, protect, and defend the constitution, but to cause all others faithfully to execute the laws, the violation of the laws and constitution, involving as it does perjury to his conscience, treachery to his trust, danger to the country, and evil example to all, becomes an offence of the greatest magnitude, inferior only in turpitude and mischief to high treason itself. In republics the greatest jealousy is felt at assumptions of power beyond the law; and the more exalted the magistrate, the more eminent the citizen, who commits that offence, no matter how strong the necessity, or how slight the consequence, the voice of offended justice is sure to be heard. Why was Cicero banished from Rome? Not for putting Lentulus and Cethegus to death—for these parricides deserved to die a thousand deaths—but because, in ordering Roman citizens to be strangled, the Consul had assumed the exercise of a power not granted to him by the constitution and the laws of Rome. What was the cause of that immortal contest in Athens—that contest for the crown, not of royalty, but of honor and patriotism? Not that Demosthenes did not deserve to wear it, but that Ctesiphon had transcended the law in causing it to be conferred upon him. These were excusable, or venial violations of law; yet their commission agitated the great republics of antiquity, and their memory, at the end of two thousand years, and in a new hemisphere, is fresh in the recollection of every reader. But why quote examples? Why go to foreign countries? Why quit our own soil, this chamber, and this very case, to prove that the violation of law is the commission of a great crime? Did not every gentleman, in arguing this very case, treat it as a crime of the greatest enormity? Did they not denounce the President's conduct not merely as a violation of the laws and the constitution, but an actual overthrow of all Government? as the establishment of one man's will in place of all law and government? as being in itself a revolution? as an act pregnant with every calamity; filling the country with distress and alarm, ruining the currency, sinking the price of property, paralyzing industry, stopping factories, bankrupting merchants and traders, destroying all confidence between man and man, and striking the whole country down from a state of unparalleled prosperity to a state of unparalleled misery? Did not every speaker against the President assert all this, and infinitely more, and worse? And did not one hundred and twenty thousand petitioners back their assertions, reiterate their denunciation, send it here for our information, and call upon us to undo what the President had done, as the only means of saving the country from utter ruin? And were not these petitions received with all honor, and their contents made every speaker's own, by the manner in which he adopted and commented upon them? Certainly all these things were so; and during the six months that they were going on, the act of President Jackson, in removing the deposites, was expressly treated as a crime of the direst import, and of the most calamitous consequences. Having personally witnessed all these things, and too well remembering them, it is incomprehensible to me, and my mind will remain incredulous to the apparition until I shall behold it, that any one of the supporters of the proceedings against President Jackson will now take a position in the rear of President Jackson's innocency, and rest the success of their defence now, upon the overthrow of their attack then. I say upon his innocency! for every denial of the criminality of his conduct is an allegation of his innocence; and every attempt to sink the charge against him below the degree of a high crime is an admission of the injustice of those who then denounced and condemned him; for nothing can excuse them for the course they then pursued, and for the alarm and agitation in which they involved the country, but the reality of their belief in the high crimes which they then imputed to the President. Here, then, lies a dilemma. To justify themselves for their conduct then, gentlemen must now stick to the charge as then made, and maintain the President to have been guilty of a high crime. To defend themselves from the censure of having violated the constitution, subverted justice, and set a dreadful example, it is necessary for them to maintain that he committed no crime at all, not even the petty offence and venial misconduct which will constitute a misdemeanor in office. In this dilemma, it is not for me to anticipate what course gentlemen will take; whether they will retrace their steps, or advance further. It is not for me to decide whether it is a case in which the actors, far steeped in blood, may think it safer to go through than turn back; but, solely occupied with my own course, I proceed to establish my position, that the President was adjudged guilty of an impeachable offence, and that the Senate was unjustifiable for proceeding against him without the forms of an impeachment.

The sentence against him is for violating the laws and the constitution. I have said that this offence was great in a private citizen, still greater in a common magistrate, and greatest of all in the Chief Magistrate of the country. Our own Chief Magistrate is laid under the most sacred and solemn responsibilities, to God and his country, to abstain from this crime. He takes an oath to do so; and here is a copy of that oath which President Jackson actually took, administered by the late Chief Justice Marshall, in the presence of assembled thousands, and on the steps of that Capitol, and at the base of that column at which he came so near to pay the dreadful forfeit of a supposed violation of his oath:

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States."

Preserve, protect, and defend, the constitution! Such is the oath. The sentence is, that he violated that constitution, and, by consequence, that he violated that oath. Here, then, is the aggravated charge of perjury upon his conscience, treachery to his trust, mischief to the people, and destruction to that which he was bound to preserve, protect, and defend. Can such things be, and not imply crime? that high crime for which not only impeachment lies under our constitution, but indictment and punishment also at common law? Surely, the point is too plain for argument; and I must be permitted to repeat that I cannot figure to my imagination any thing so strange and wonderful as that gentlemen who pushed the condemnation of President Jackson with such fury, in 1834, should now deprive themselves of all justification for what they then did, by special pleading upon the verbality of the accusation which they themselves drew up, and, pointing to the careful omission of imputed bad motive, declare that his intentions were not impugned; and defend themselves from the consequences of pronouncing him a criminal then, by intrenching themselves behind his innocency now! Far from it. The justification of gentlemen for what they did to agitate the country rests upon the conscientiousness of their belief that the President was in reality the lawless and dangerous criminal which they described him to be; and the moment they give up that—the moment they admit that innocency of motive, without which crime cannot exist—that moment they condemn themselves, and admit that they were factious agitators, unjust judges, and relentless persecutors of an innocent man. Instead of this, they and I should now act together, both maintaining that a high crime was charged upon the President; but as I have not conferred with gentlemen, and do not know upon which horn of this dilemma they prefer to hang themselves, I must proceed in my own way, and make out my case upon its own strength, without reference to their weakness.

The great position which I take is, that an impeachable offence has been charged upon the President, and that he has been adjudged guilty of that offence, without the forms of an impeachment, and without the benefits of a trial.

Suppose gentlemen undertake to arrest me at the threshold, and say, we did not impugn his motives, we did not attribute bad intentions, we merely charged the fact.

To this I answer:

1. If there was no allegation there was no denial of bad motive; and the charge of the crime implies the wicked intent.

2. That the speeches of gentlemen supplied what the form of their charge omitted; and that the imputation withheld from the record was proclaimed from the mouth, and incorporated into every speech.

3. That the criminal averment, "dangerous to the liberties of the people," was inserted in the first and retained in the second form of the charge, and only dropped from the third and last form after having been repeatedly pointed out, and fully relied on as showing the criminal and impeachable character of the accusation.

4. That no legislative use was made of the condemnatory resolve, after it was passed; that no such use could then or can now be made of it, because in its nature it is a criminal accusation, and presents a case, not for legislation, but for punishment.

5. That gentlemen in the opposition drew the charge themselves, and altered it themselves; and may have had a reason, not yet explained, for omitting those imputations of criminality in the record which were so profusely and conspicuously used in their speeches.

6. That even a regular and formal impeachment requires no allegation of corrupt motive.

7. That the offence being stated in the article of impeachment, the conviction will be valid; and the only sentence known under our constitution will be pronounced without reference to the *quo animo*.

8. That this is not a case of regular impeachment, but of irregular condemnation without impeachment, and a charge on which the House of Representatives might frame an impeachment in form, and send it to us for trial. It is precisely the preliminary resolution, the general charge, without specification and technical averments, which is the incipient step and opening process to the preferment of an impeachment in form. It is the initiative to impeachment. So say the books. Listen to Jefferson, in his Manual of parliamentary practice, drawn up by him for our especial guidance, and printed by ourselves for our convenient snd constant reference. He says: "The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation at the bar of the House of Lords." This is the way to begin an impeachment in the House of Representatives, and this is the precise manner in which we began it in the Senate. We passed the resolution as the book directs, and we passed it with the criminal charge in it. We began the impeachment regularly, but we began it in the wrong place, and our proceedings ended where those of the House of Representatives begin; we ended with the adoption of a general resolution, containing a criminal charge against the supposed delinquent.

These brief answers I hold to be sufficient, Mr. President, to set aside any defence which could be bottomed on the omission, accidental or designed, of formal averments of bad motives in the sentence pronounced against the President. They show that the impeachable nature of the charge is not affected by that omission; on the contrary, the very circumstance of the omission may aggravate the conduct of the Senate by showing an extension of the non-committal policy to the high and sacred functions of Senators and judges, and exhibiting a subtle contrivance for condemning the victim without committing the judges. They show that this is not a case for common law averments, not a case for setting out with legal verbosity, that the aforesaid Andrew Jackson, yeoman, not having the fear of God before his eyes but being moved and seduced by the instigation of the devil, he first dismissed Mr. Duane from the Treasury; and, after that, appointed Mr. Taney to the Treasury; and, after that, he took upon himself the responsibility of removing the deposites; and, finally, he perfomed a certain late proceeding in relation to the public revenue. All this, though eminently picturesque, and even quite dramatic in a common law indictment, happens to have no place in an impeachment; and I might safely rest my case where it now stands; but I choose to go further, to rise higher, and to place my cause upon loftier and nobler grounds. I take the true position, that the impeachment of a magistrate differs from the indictment of a citizen; and that a magistrate may be impeached under our constitution, tried, convicted, and subjected to every penalty known to an impeachment, not only without the allegation of bad motives, but without the fact of such intentions, or even the possibility of possessing intentions of any kind, either good or bad. And, first, I show what the judgment on impeachment is; and for that purpose refer to article 1, section 3, of the constitution:

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law."

Upon this provision in the constitution I have to remark that impeachment lies against nobody but an officer; and, in its judgment, is official and not personal. It affects the officer, not the man. The object of the judgment is preventive, not penal justice. It is not punishment for past offences, but prevention of future misconduct, that is intended. Removal from office and disqualification to hold office is the ultimate penalty which can be inflicted under it. If the offence for which the impeachment was made should amount to a crime at common law, or by statute, then a criminal trial might ensue, and the punishment provided by law for that offence might be inflicted. The difference between indictment and impeachment lies in the difference between preventive and penal justice. The impeachment is to prevent the officer from doing further mischief; the indictment is to punish the man for the mischief he has done. A man can only be punished for crime, and wicked intention is necessary to constitute crime; but the officer may be deprived of his office for acts not amounting to crime, for want of the corrupt intention; for these acts may be detrimental to the community, and the welfare of the community may require that these acts should cease, whether they proceed from a wicked heart, or a weak head, or even a mistaken principle of action. Hence, impeachment lies for the act, without regard to the criminal intention; and indictment lies for the crime of which criminal intention is the essence and the touchstone. From this fair analysis of the impeachment process and judgment, in contradistinction to indictment, results the inference that criminality of intention is no way essential to the validity of impeachments under the constitution. So distinct is the trial by impeachment from that upon indictment for the same offence, that one cannot be plead in bar of the other, under the clause of the constitution which protects the citizen from two prosecutions for the same offence.

In England, on the contrary, the sentence on conviction under impeachment extends to legal and actual punishment--to punishment in person and in property—for the party may be both fined and imprisoned. On indictments both in England and our America, as every body knows, the direct object of the prosecution is punishment--punishment in life, limb, person, or property; and preventive justice is only an incident. Whenever, then, punishment would follow conviction, whether on indictment or impeachment—whenever the life or limb of the party was to be touched--whenever his body might be cast into prison, or his property taken by fine or forfeiture--in every such case, the *quo animo*, the state of mind, the criminal intent, was of the essence of the offence, and must be duly averred and fully proved, or clearly inferrible from the nature of the act done; but in the case of impeachment under the constitution of the United States, where the sentence could extend no further than merely to prevent the party from using his power to do further mischief, leaving him subject to a future indictment, then the intent of the party, whether good or bad, innocent or wicked, became wholly immaterial, not necessary to be alleged, nor requiring to be proved or inferred, if the allegation should chance to be made. Every averment relative to the intention would be surplusage; for the mischief to the public was the same, whether a public functionary should violate the law from weakness or wickedness, from folly or from design.

Mr. B. said that the cases of the Judges Chase and Pickering were evidences of the truth of his argument; for in one of these there could be no corrupt or wicked intention, for the party was insane, and therefore incapable, both in law and in fact, of being either corrupt or wicked; and in the other of which the mere naked violation of law was charged, without the slightest reference to the intentions, or *quo animo*, of the party. Mr. B. then went into a detailed statement of the impeachment of these two judges, to sustain the view he had been taking, and to apply historical facts and judicial decisions to the legal doctrines which he had laid down. Judge Pickering, a district judge of the United States for the State of New Hampshire, was impeached for acts of flagrant illegality, and which, in truth, implied great wickedness: the articles of impeachment charged wicked and corrupt intentions; yet it was proved that he was incapable, in law and in fact, of wickedness or corruption; for he was utterly insane, both at the time of committing the acts, and at the time he was tried for them, and could not, and did not, appear before the Senate to make any defence. His unfortunate condition was both proved and admitted, and the Senate was moved by counsel to stop the proceedings against him, and to remit or postpone the trial; but the Senate took the clear distinction between a proceeding which could only go to removal from office and a disqualification for holding office, and a prosecution which might involve a criminal punishment; and they proceeded with the trial, heard the evidence, found the illegal acts to have been committed, and pronounced the sentence which the good of the community required, and which the unfortunate judge was a proper subject to receive, that of removal from office. They did not add a sentence of disqualification for holding future offices, for he might recover his understanding, and again become a useful citizen. The Senate limited itself to a sentence which the good of the community demanded, and which was applicable to misfortune and not to criminality, which was suited to the acts of the judge, without regard to the absence of intentions.

The case of Judge Chase was a case of a different kind to prove the same point. It was a case of various articles; some with, some without, the averment of criminal intentions.. Judge Chase was impeached upon eight articles; five of them charged corrupt and wicked intentions, three charged no intentions at all, being wholly silent on the question of motives, and merely alleging the commission of the acts and the violation of the law. The three articles thus silent on the question of motives were distinct and substantive charges in themselves, not variations of the same charge in other articles, but containing new and distinct charges; and, therefore, to stand or fall upon their own merits, without being helped out by a reference to the same charges in another form, in another part of the proceedings. They were the articles first, fourth, and fifth. Mr. B. would state them particularly; for if the least doubt remained on the mind of any one after seeing the case of Judge Pickering, the tenor of these three articles in the impeachment of Judge Chase would entirely remove and dispel that doubt. The first of these articles, which is number one in the impeachment, relates to the trial of Fries at Philadelphia, and charges the judge with three specific instances of misconduct in conducting that trial; and concluded them with the allegation, "that they were dangerous to our liberties," and "in violation of law and justice;" but without the slightest reference to the *quo animo* of the judge, or the state of mind in which the acts were done. The article is wholly silent with respect to his intentions. The fourth article contains four specifications of misconduct, all charged to have occurred on the trial of Callender, in Richmond, Virginia, and alleged them to be "subversive of justice" and "disgraceful to the character of a judge;" but they were wholly silent as to the intentions of the judge, and left the *quo animo* with which he did the acts entirely out of the record. The fifth article charged a specific and single violation of law, in ordering the arrest of Callender upon a *capias*, instead of directing him to be called in upon a summons, but without imputing any motive or intention whatever, good or bad, to the judge, for preferring the capias to the summons. The only averment is, "that Callender was arrested and committed to close custody contrary to law in that case made and provided." Such were the three articles which charged violations of law upon Judge Chase, without imputing criminal intentions or corrupt motives to him; and upon which the judge was as fully tried, and made as ample a defence, both upon the law and the facts, as he did upon the five other articles which contained the ordinary averments of wicked and corrupt intentions. Neither the learned judge himself, nor any one of his numerous and eminent counsel, made the least distinction between the articles which charged, and the articles which did not charge, corrupt intentions. They went to trial upon the whole alike; put in no demurrers, made no motions to quash, reserved no points, but defended the whole upon the law and the facts of each separate charge. This, sir, should exterminate doubt and silence cavil. It should put an end to all idea of getting out of the dilemma in which the Senate is placed by intrenching themselves now behind the innocency of President Jackson's intentions.

Mr. B. continued. Thus far, Mr. President, I have argued this point upon principles of law and reason, supported by precedents drawn from our own history, and I trust have fully established my first proposition, namely, that the offence charged upon President Jackson was an impeachable offence, and that as a high crime, though it would be sufficient for my argument that it charged conduct amounting to misdemeanor only; and, consequently, that the conduct of the Senate, in proceeding against him without the forms of an impeachment, was illegal, irregular, unconstitutional, and subversive of the fundamental principles of law and justice. But although my case may be made out, and my proposition established, yet my magazine of argument is not exhausted, and I still have in reserve a most potential argument to be used in this case. It is the argument of authority, and is drawn from the legislative history of one of the States of this Union—the State of Kentucky; and a brief introductory narrative may be necessary to develop its origin and to elucidate its application.

It is a matter of history, Mr. President, that some forty years ago, a judge of the court of appeals in Kentucky had the misfortune to be a pensioner on the Spanish Crown, and held a secret correspondence with the Governors General of Louisiana for the separation of the Western from the Atlantic States. A legislative inquiry established these facts, and the unhappy judge avoided the stroke of justice by retiring from the judgment seat. The same inquiry implicated another judge in Kentucky, not of the State courts, but of the federal Judiciary; and at a succeeding session of the General Assembly, a member of that body, Humphrey Marshall, Esq., introduced a resolution condemning the conduct of that federal judge, and recommending an inquiry to be instituted into it by the House of Representatives of the Congress of the United States. This proceeding was resisted by distinguished members of the Kentucky Legislature; and another resolution was brought in, utterly reprobating the motion of Mr. Marshall, and severely condemning the attempt to procure from a legislative body the expression of an opinion upon the guilt or innocence of an officer who was subject to impeachment before the Senate of the United States. After several day's discussion, says the historian, the following resolution was offered by Mr. Clay.

"Whereas the General Assembly did, at their last session, order transcripts of the evidence taken before the committee appointed to examine into the conduct of Benjamin Sebastian to be transmitted to the President of the United States and to the Senators and Representatives from the State in Congress; and as the present Assembly has entire confidence in the general administration, and in the Congress of the United States, among whose duties is that of arraigning the public officer, or private citizen, who may have violated the constitution or the laws of the Union; and whereas the legitimate objects which call for the attention of the Legislature are themselves sufficiently important to require the exercise of all their wisdom and time, without engaging in pursuit of others, thereby consuming the public treasure, and the time of the representatives of the people, in investigating subjects not strictly within the sphere of their duty; and inasmuch as the expression of an opinion by the General Assembly upon the guilt or innocence of Harry Innis, Esq., in relation to certain charges made against him, would be a prejudication of his case—if in one way, would fix an indelible stigma upon the character of the judge, without the forms of trial or judicial proceeding, and if the other, might embarrass and prevent a free and full investigation into those charges; wherefore,

"*Resolved by the General Assembly,* That it is improper in them to prescribe to Congress any course to be taken by that body in relation to the said charges, or to indicate any opinion upon their truth or falsehood.

"*Resolved,* That the constitution and laws of the land, securing to every citizen, whether in or out of office, a fair and impartial trial, whether by impeachment or at common law, the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, would tend to subvert the fundamental principles of justice."

Mr. President, I seize, with confidence, and appropriate without abatement to the present occasion, every word that is contained in this resolution, with the remark, that the severe reprobation which it expresses is many ten thousand times more applicable to the Senate of the United States, for its conduct towards President Jackson, than to the Kentucky Legislature for its proposed conduct towards Judge Innis. In that case the Kentucky General Assembly was not the tribunal for the trial of the federal judge in the event of his impeachment, and their prejudication of his case did not affect the bosom of his constitutional triers. In President Jackson's case his prejudgers were his constitutional judges, and judges who would have a legal right to sit in judgment upon him, notwithstanding their moral disqualification for that duty by their prejudication of his case. In Judge Innis's case there was no great national event connected with his fate; no change in the ascendancy of political parties to be effected; no political prophecies to be accomplished by the prophets themselves; no great moneyed power to be gratified; no barrier to be struck down from between the people and their eternal foe; no obstacle to be removed from before the onward march of a political and moneyed confederacy which was advancing to the conquest of the Government, and only stopped in its course by the invincible courage and incorruptible integrity of one man. Judge Innis's case was different from all this. It affected no one but himself. It was individual and personal; his prejudgers were not his triers; and, whatever wrong might be done him, his country at least was safe, and her free institutions might survive and flourish; yet, even in this case of mitigated wrong and contingent injustice, how keen was the scent that snuffed the approach of danger in the tainted breeze! How sharp was the eye that detected the lurking mischief in the remote contingency of a bare possibility! How pointed, how cutting, how strong, and how just, the rebuke that was lavished upon a legislative body for setting the example of pronouncing an opinion upon the guilt or innocence of an officer subject to impeachment before the Senate of the United States! Every word of it is a two-edged sword cutting into the vitals of the Senate, and leaving that deadly wound for which there is no healing in the art of surgery. To comment upon such a case is impossible; to amplify, is to weaken it; to repeat, is to destroy; yet at how many points must the minds of Senators instinctively halt, catch up the cutting phrase, apply it to their own case, while the small, still voice of conscience whispers, ten thousand times more applicable to us than to them! Mark a few of these phrases: "The constitutional right of Congress to arraign the public officer who may have violated the constitution;" "the waste of time and public money in pursuing subjects not within the sphere of their duty;" "the injustice of prejudging an impeachable officer;" "the stigma upon an innocent man, if unjustly condemned;" "the impediment to justice, if the guilty should be absolved;" "the flagrant enormity of pronouncing an opinion upon impeachable charges without the forms of trial or judicial proceeding;" "the total impropriety of even indicating an opinion upon the truth or falsehood of the accusation;" "the constitutional and legal security of each citizen to have a fair and impartial trial, both by impeachment and at common law;" "the subversion of the fundamental principles of justice, and the dangerous example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual." All these expressions apply directly and with infinitely more force to the case of President Jackson than to that of Judge Innis. The Bank of the United States, through all its organs, had appeared as the accuser of President Jackson. It had sat in judgment upon him for a violation of the laws and the constitution in dismissing Mr. Duane and appointing Mr. Taney; for taking upon himself the responsibility of removing the deposites, and for his proceedings in relation to the revenue. It had demanded his impeachment, foretold it, and named the member of the House of Representatives whom it presumed to say would bring it forward. The public press in the service of the bank had been for many months preparing the public mind for the event; and, just at the commencement of the session, the bank itself, in its own person, and in the most imposing form, stepped from behind the curtain, and appeared upon the stage as the responsible accuser. It caused a manifesto of some fifty pages to be drawn up by a committee of its directors; adopted by a vote of the board; ordered 5,000 copies to be printed; a copy to be laid upon the table of every member of Congress, and the rest distributed all over the Union. It was that famous manifesto, from which I have read some passages, in which the President of the United States was compared to counterfeiters, and the first place in the comparison assigned to him. The Senate and the country would remember that manifesto. It was the authentic act of the bank, and contained the identical charge against the President which was immediately afterwards brought into the Senate—and, what is more, it contained every argument which was used in the Senate in support of the condemnatory resolution. The President, then, was an implicated and accused individual at the commencement of the session of 1833-'34. He was accused by the bank; and, being thus accused, the Senate took cognizance of the charge without the intervention of the House of Representatives, debated it for a hundred days, and adopted it. The resolution brought into the General Assembly of Kentucky, in the case of Mr. Innis, strong as they are, are yet described by the historian,* from whom I have read them, as being "temperate and just, and respectful to the sacred rights of every private citizen to enjoy an impartial trial without the denunciation of influential men in office." I concur in this sentiment, Mr. President, and so did the General Assembly of Kentucky concur with the mover of the resolution which I have read; for, although that resolution was not adopted, yet it had the effect of changing the resolutions of Mr. Marshall, and to deprive them entirely of their criminating character.

Such were the sentiments entertained in Kentucky, such the jealous and sensitive delicacy of the feeling against the prejudication of an impeachable officer; and all this generous feeling, watchful jealousy, and cutting rebuke, was called forth in a case of most remote and contingent mischief, where the prejudgers were not the triers, and where the prejudication could have but a most indirect operation upon the minds of the actual judges. If just there and then, how much more so now and here! When the Senate of the United States, upon charges put forth by the Bank of the United States, sits in judgment upon the President of the United States, condemns him unheard, fixes a stigma on his name, rouses one hundred and twenty thousand people to petition against him—more than ever appeared at the bar of the national convention against Louis the XVI—gives an audacious institution a triumph over him, and subjects his life to imminent deadly peril. Yes, sir, puts life itself in danger; for it is incontestable that the denunciations of the Senate had the effect of putting the pistol in the hands of the assassin. Yes, sir, these denunciations! for while rational, intelligent, and informed people saw the injustice of the charge against the President, and the folly of believing that the removal of the deposites had made the distress; yet, with the ignorant, the uninformed, and the insane, it was quite different. They believed it all, and acted according to their belief. The ignorant went to the polls to put an end, by their votes, to the administration of the "tyrant" that was destroying their country; the "insane" went to the portico of the Capitol to put an end, with his pistol, to the life of the same "tyrant." But thanks to God and to the people! his providence held back the bullets; their confidence sustained him at the polls, and their justice will find the means of expunging from our journals that unjustifiable sentence which should never have been put upon it.

Sooner or later, expunged it will be. At this session, if the voice of the people is obeyed; after the next general election, if it is not done now. There is no room for mistake. Two years' past history, and the issue of the elections, had developed the will of the people. Far from believing in the truth and justice of the sentence pronounced by the Senate, and returning a House of Representatives to impeach the President in form, they have gone on increasing in their confidence and affection, returning larger and larger majorities in his favor; and in primary meetings, legislative resolves, and a thousand different modes, have testified their will that this unjust sentence should be expunged from the journal. The will of the great majority of the people of these States is known; it is in favor of expurgation. The famous Mr. Fox voted in favor of expunging the record of Wilkes's expulsion from the journals of the House of Commons, against his own opinion, and against his previous votes, and in professed obedience to the will of the people. His example is worthy of imitation; and I trust (said Mr. B.) that the expressed will of the people will be obeyed in this case. For or against the expunging, I trust it will be obeyed; and that the voices of the State Legislatures will be equally respected, work which way they may.

Mr. B. concluded what he had to say upon this part of the case with expressing his deep regret that the General Assembly of Kentucky, in 1834, should have so sadly and lamentably forgotten their own example of 1807. In 1807, as has been shown, they deprived the resolutions of Mr. Marshall of their criminating character before they would adopt them; in 1834, and in the month of February of that year, while the proceeding against President Jackson was in full blast, it adopted resolutions against him of the most violent character, upon the very points in discussion, and ordered them to be transmitted to their whole delegation in Congress. The following is a copy of these resolutions:

"*Resolved*, That the President of the United States, by causing to be withdrawn the public money from the place of safe deposite, where it had been made by law, and placing it in local banks under his control, of the solvency of which the people at large know nothing, and into whose affairs their representatives have no right to examine, has violated the laws and constitution of the United States; that he has 'assumed a responsibility' dangerous to liberty, and which tends to the concentration of all power in the hands of the Chief Magistrate of the United States."

"*Resolved*, That, by the frequent exercise of the veto power, and that still more arbitrary and dangerous one of withholding bills passed by both Houses of Congress, thereby preventing the opportunity of a reconsideration by that body in the mode prescribed in the constitution, the President has, to a great extent, crippled and paralyzed the legislative department of our Government, and, in some instances, has prevented the exercise by Congress of their essential constitutional rights."

"*Resolved*, That the Clerk of this House transmit to each of our Senators and Representatives in Congress, copies of the foregoing resolutions."

II. Having shown, Mr. President, that the proceeding against President Jackson was illegal and unconstitutional, I take up my second proposition, which affirms the injustice of that proceeding, and makes an issue of fact upon the truth of the sentence pronounced upon him. This proposition is in these words:

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* Mann Butler, Esq.—*Note by Mr. B.*

"And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and therefore unjust and unrighteous, as well as irregular and unconstitutional; because the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve, nor in taking upon himself the responsibility of removing the deposites, as specified in the second form of the same resolve, nor in any act which was then or can now be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and constitution, or dangerous to the liberties of the people."

The condemnatory resolution, as first drawn up, contained two specifications of supposed violation of law and constitution: first, the dismission of Mr. Duane from the Treasury Department because he would not remove the public moneys from the Bank of the United States; and, second, the appointment of Mr. Taney to make that removal. The second form of the resolution contained a single specification, namely, taking upon himself the responsibility of removing the deposites; and the third and ultimate form of the same resolution was utterly destitute of any specification whatever. Having remarked that these specifications were copied from the proceedings of the Bank of the United States, and in the very words used by that institution, such as he had read them at the opening of this debate, Mr. B. said, we join issue upon each of these specifications, as far as they are made under the first and second forms which they bear, and are ready to join issue upon any specification which can be assigned under the vague terms of the third form.

We deny, out and out, that there was any violation of the laws or constitution in the dismissal of Mr. Duane, or in the appointment of Mr. Taney, or in taking upon himself the responsibility of removing the deposites, or in any proceeding whatever, either late or early, in relation to the public revenue.

All these denials we made at the time; and every specification ventured upon by the mover of the resolution was promptly met and fully overthrown by us. Shall I repeat the arguments we then used, or shall I limit myself to a recapitulation of points which mark our reasoning, and to an enumeration of proofs which attest our victory? I prefer the latter, and shall proceed accordingly.

First, then, the dismissal of Mr. Duane because he would not remove the deposites:

In answer to this specification we showed, first, that the right of the President to dismiss this Secretary resulted from his constitutional obligation to see the laws faithfully extcuted; secondly, from the recognition of the right in the first act of Congress establishing the Treasury Department.

Here is the law: "Whenever the Secretary (of the Treasury) shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers, appertaining to the said office." This is the seventh section of the act entitled "An act to establish the Treasury Department," passed September 2, 1789. It is an express, and, as the debates of the time will show, a purposely expressed recognition of the right of the President to dismiss this officer. And here I might dismiss this specification; but it is right to recall the recollection of the fact, that the mover of the resolution gave it up, and was compelled to give it up, or lose the whole resolution; for it was well known throughout the Senate that not even a party majority, at the end of an hundred days' debate, could be got to vote for it; that several members of the opposition openly admitted the right of the President to make the dismission, and could not vote for the resolution with that specification in it.

The second specification was for appointing Mr. Taney to make the removal of the deposites, which Mr. Duane would not. This requires no consideration, and admits of no notice. It was scarcely noticed in debate; and, being wholly dependent on the first specification, it was withdrawn with it and never mentioned since. It was given up by the mover without a vote, because even a party majority could not be got to vote for it; and in cannot be resuscitated now for the sake of a posthumous discussion.

The third specification was for taking on himself the responsibility of removing the deposites. This specification, like the two former, was found to be too weak to stand a vote. It was withdrawn by the mover without a vote, because it was known that not even a party majority could be induced to vote for it. Being thus given up and abandoned, it can no longer claim the honor of a notice.

An allegation, twice repeated by way of aggravation, also graced the first and second forms of the resolution, which disappeared from the third; it was, that the President's conduct was dangerous to the liberties of the people. This allegation also shared the fate of the three specifications. It was given up and withdrawn without a vote, because not even a party majority could vote for it; and thus it was clearly admitted that the President's conduct was not dangerous to the liberties of the people.

The resolve as adopted was void of specification, and contains no allegation whatever on which an issue of fact or of law could be taken. It was a vague, indefinite denunciation, without a reference to any act, at any time, in any place, or to any law, or any clause in the constitution supposed to be violated. Against such a condemnation argument is impossible, for issues are impracticable. I limit myself to the broad, emphatic denial of the truth and validity of any thing that can be specified under this vague denunciation. I pronounce myself and my friends to be now standing ready, challenging and defying any specification under this resolution, and waiting to impale and transfix it the moment it is produced. And here I conclude this head, and hold my second proposition to be completely established; namely, that the charge of violating the laws and constitution was unfounded and erroneous in point of fact, and that the condemnation of the President was, therefore, as unjust and unrighteous as it was illegal, irregular, and unconstitutional.

III. I pass on to the third proposition, which affirms the vagueness and ambiguity of the resolve as adopted, and presents some of the evils resulting from such an indefinite mode of condemnation. It is in these words:

"And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, without specifying in what part of the executive proceedings, or what part of the public revenue, was intended to be referred to, or what parts of the laws and constitution were supposed to have been infringed, or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place; thereby putting each Senator at liberty vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators, according to the private and particular understanding of each; contrary to all the ends of justice, and to all the forms of legal and judicial proceedings; to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of senatorial responsibility, by shielding Senators from public accountability, for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact."

When he had read this proposition, Mr. B. said, is this a true description of the Senate's judgment? Can it be possible that this elevated body, intended by the constitution to be the gravest assembly on earth, could have so far sported with its own responsibility, and with the rights of an accused person, as to deliver a sentence of condemnation so void of form as this description announces? The question is a grave one, and the answer should be the best which the nature of the case can possibly admit of. Inspection is the best answer which the case admits of. It is a case for the inspection of the record; for trying the record by itself. Here it is; read, listen, and judge:

"*Resolved,* That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Vague, vague, vague, uncertain, ambiguous, deceptive, amphibological, and the highest illustration of that Cynic's sarcasm, who defined language to be an art conferred upon man to enable his tongue to conceal his thoughts. Surely the very thing is concealed here which is the only thing that ought to be known, namely, the specific act which constitutes the violation of law and constitution intended to be fastened on the President.

I do not dilate upon the use and necessity of precise allegation in criminal accusation. The time, the place, and the act, are the essence of the charge, and can never be dispensed with. The instinct of justice in every human bosom recognises this; the forms of criminal proceeding in all countries of law and order prescribe it; and the mover of this condemnation admitted it, by his repeated attempts to give specifications, and by his tardy abandonment of that attempt at the last moment, at the end of one hundred days' debate, when the sentence of condemnation could no longer be delayed, without losing the benefit of it at the impending elections, and when it was indisputably known that no majority, not even the party majority which then prevailed in this chamber, could be brought to unite in any act of illegal conduct which the genius of the mover could impute to the President. I will not dilate upon this plain point, but I will produce an example from our own history to show with what precise allegation of time, place, and act, violations of law were charged upon executive officers in the earlier age of our republic.

I read from the journals of the House of Representatives in 1793. They are the resolutions submitted by Mr. Giles, of Virginia, for the purpose of impeaching the Secretary of the Treasury, General Hamilton, and are in these words:

"*Resolved,* That the Secretary of the Treasury has violated the law passed the 4th of August, 1790, making appropriation of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit:

"1. By applying a certain portion of the principal borrowed to the payment of interest falling due upon the principal, which was not authorized by that or any other law.

"2. By drawing a part of the same moneys into the United States, without the instructions of the President of the United States."

Here all is open, manly, and intelligible. Mr. Giles tells what he means, and commits himself upon the issue. General Hamilton knows what he is charged with; the House knows what to proceed upon; and the public knows for what to hold the accused to his defence, the accuser to his proofs, the House to its justice, and all the parties to their official accountability to their constituents. Compare this resolve against President Jackson with the resolve of Mr. Giles, and see how different in the essential particulars of criminal accusation. The general charge is the same in both cases, that of violating law, and acting without authority; yet the resolves are totally different; one all precision, the other all ambiguity. In one, every word a declaration of fact or law, on which precise issues might be taken; in the other, every word a problem, and susceptible of as many meanings as there were tongues to debate it. Like the oracular responses of the Pythian Apollo, they seemed to be selected for their amphibology, and because any meaning and every meaning which might be required or forbid, might be affirmed or denied under them. Try them by their sense and import. "Late executive proceedings." Here are three words, and three ambiguities. 1. "Late." How late? one year, two years, five or ten years ago? 2. "Executive." What part of the executive? the Chief Magistrate, or one of the heads of Departments? 3. "The public revenue." What part of it? That in the Bank of the United States, or in the deposite banks, or in a state of collection in South Carolina? I defy any man to affix any definite idea to either of these terms, or to take any issue upon them. All is uncertain, ambiguous, problematical; nothing is clear but the abandonment of all that related to Mr. Duane, Mr. Taney, the removal of the deposites, the responsibility of removing them, the danger to the liberties of the people, and the complete cutting loose from all connexion with the Bank of the United States, whose wrongs had solely occupied the two previous forms of the resolution, and had figured so incontinently in the speeches of all its friends. All this is abandoned; all mention of the bank is dropped. Instead of it, the vague charge is substituted, which has been so often pointed out to the notice of the Senate; and, under this general denunciation, a general verdict was procured by a new species of individual contribution, something like a subscription list, or pony purse of accusation, in which each one put in according to his will and his means.

Mr. B. said he had adduced this instance of criminal accusation, this charge against General Hamilton, for the purpose of showing that precise allegations were indispensable in such cases; but it was also available and eminently applicable for another purpose; for the purpose of showing that corrupt, wicked, or improper motives were not necessary to be alleged in proceeding against an officer for an impeachable offence. The design of Mr. Giles was to impeach General Hamilton, and for that purpose he charges him with a naked violation of law, without the slightest imputation of an improper motive, and without the smallest allegation of injury to the public. It is a case in point; and, added to the cases of the judges Chase and Pickering, is conclusive to show, that even where a regular and, formal impeachment is intended, no averment, under our constitution, of criminal motives, or public detriment, need be alleged.

Mr. President, the public, and even the Senate, have heard much, of late years, of a certain doctrine in politics called non-committal, and it has generally been presented in a very unenviable and undesirable point of view. Some have even gone so far as to say that they scorned the character of an uncommitted man; and a certain gentleman that you and I wot of has been conspicuously paraded, in speeches and gazettes, as the founder of the non-committal school, and the original of the portrait which has been drawn of an uncommitted man. Of the justice, the propriety, the truth, and the decency, of what has beed said and published of that gentleman, on that point, it is not my purpose, in this place, to make a question, nor would it, I presume, be your pleasure to decide. I pretermit that labor; and, proceeding upon the assumption of his opponents, that the aforesaid gentleman was actually the founder of the aforesaid school, I have to remark that it seems to me that, like other great inventors, he is in danger of being robbed of the glory of his discovery by the improvements which are made by others upon his invention. So far as I understand the institutes of the original school, the right of non-committal extended no further than to problems in politics; it did not embrace cases of law and morality, nor extend to the conduct of judges and Senators! But who can stop the march of improvement? Who can limit the genius of the scholar? Who can baffle the art of the cunning imitator? Already the doctrine of non-committal has made its way to the judgment seat—to this chamber, and to this very case. The Senate refuses to commit itself upon the question, of what it is that they have condemned President Jackson for! They not only refuse to commit themselves for the grounds of that judgment, but they revoke the committal which they had partly made. They withdraw every thing upon which they could be held to their accountability. They haul in, back out, cut loose, and run away, from their own attempt to specify the guilt of President Jackson; and then condemn him in a general verdict, made up by compromise, and unable to bear the test of any one specification whatever. Yes, sir, made up by compromise! for who of us that were then in this chamber that does not remember the extraordinary circumstances of the closing scene? the peripatetic movements which took place among members? the crossing to and fro on this floor? the consultations and the whisperings? the fixing and altering, the writing and rubbing out, the offering and withdrawing, the tearing up and beginning anew, which went on in this chamber, to the delay of the call for the yeas and nays, until a set of phrases were collected, by contribution from different parts of this floor, sufficiently non-committal to embrace all who were willing to condemn the President, without being able to tell for what? I speak as an eye witness, when I describe the closing scene in these terms; and I appeal to forty Senators then and now present to affirm my statement. And what say the laws of the land to the verdicts obtained by compromise? Utterly reprobated; the jury reprimanded who gives them; their verdict set aside, and a new trial ordered.

Sir, said Mr. B., examine this sentence of condemnation as it stands. Examine it word by word, and see if it is located to any one place, limited to any time, or confined to any one act? Will it not cover the "late" executive proceedings relative to the revenue in South Carolina, as well as the "late" executive proceedings relative to the deposites in Philadelphia? Will it not cover the orders to Commodore Elliott to proceed to Charleston just as well as it will cover the order to Mr. Duane to quit the cabinet? Would it not cover the removal of troops to the South, to ensure the collection of the revenue, just as well as it would cover the removal of the deposites from the bank to prevent the mischiefs of their remaining there? Were not the two measures equally complained of at Charleston and in Philadelphia? and is it not notorious, that when distinguished sons of South Carolina, immediately after the condemnation of the President, denounced the lawless tyranny of his conduct in public speeches in Philadelphia, meaning all the while his conduct in relation to the revenue in South Carolina, that the friends of the bank, who had previously applauded the President for that conduct, clapped, and shouted, and flung their caps into the air in a delirium of exultation, under the delusion that all this denunciation found its *inuendo* in the wrongs of the bank, and not in the wrongs of South Carolina? Certain it is, that the criminating resolve, which in its first and second form was all bank, in its third form cut loose from the bank entirely! that Mr. Duane, Mr. Taney, the responsibility, the deposites, the mother bank and its branches, which figured exclusively in the first and second forms, were all expunged in the third form! and not one word retained which could commit the supporters of the resolve to the name, to the cause, or to the complaints of the bank!

I have described the scene, faintly described it, as it took place in this Senate, in the face of all then present, and while the call for the yeas and nays was delayed to give time for making up the phraseology of the resolution. It now becomes my duty to explain the reason why it came to pass that this business of fixing the non-committal phrases of the resolve was postponed to the last moment, and then had to be transacted by consultations and whisperings in the Senate. The reason, sir, was this: at the commencement of the session of 1833-'34, the Bank of the United States and the Senate of the United States appear to have commenced an attack upon the people, the property, and the Government of the United States. The bank created a pressure; the Senate excited a panic; and the spring elections in New York and Virginia were the first and principal objects of both. The bank sent out her orders to call in debts and break up exchanges; the Senate brought in its resolution to condemn President Jackson for a violation of the laws and constitution; and, under the combined action of this double process, the price of all property was sunk, and the public mind agitated and alarmed, until a fictitious panic was produced. The operation was kept up, the bank screwing tighter and tighter, and the alarm guns firing, and the tocsin ringing faster and louder in the Senate, until the pressure had reached its lowest point of depression, and the panic its highest point of culmination, and the important elections, of New York and Virginia were just at hand, and every thing was ripe for the final blow. The condemnation of the President before those elections, and and at the moment of their commencement, was this final blow, and the exact moment for striking it had arrived on Friday, the 28th day of March. That was the day, for it was the last day that it could be done in time to have its effect. Monday was the first day of April, and the great elections were to begin; it was therefore indispensable that the news of the condemnation of the President should leave Washington a few days before the first of April, in order to reach in time the more remote election grounds in the great States of New York and Virginia, and to have its effect upon those elections. This is the reason why the debate on the condemnatory resolution was delayed, protracted, prolonged, and spun out from the 26th of December to the 28th of March, and then passed in the hurry and precipitation which produced that scene of consultation and of whispering, of running to and fro, of putting in, and striking out, of offering and withdrawing, which was then witnessed in the Senate, and which ended in the engendering of that unrivalled specimen, that *ne plus ultra* production, that *chef d'œuvre*, and everlasting masterpiece of the non-committal policy, which now stands upon your journal as a judgment of condemnation against President Jackson.

Mr. B. said he was an enemy to monopolies, and must express his dissatisfaction to them, in whatsoever shape they were presented to his view. Here was a monopoly, a new and strange monopoly; it was a monopoly of non-committal and of irresponsibility, and that by friends present to the prejudice of their friends absent. The Kentucky legislative resolve, all the State legislative resolves, all the resolves of all the public meetings, and all the petitions of the 120,000 petitioners sent into the Senate, were direct and specific in their charges against the President. They all charged in direct terms the violation of the laws and constitution, and all grounded their charges upon the dismissal of Mr. Duane, the appointment of Mr. Taney, the assumption of the responsibility, the removal of the deposites, and the danger to the liberties of the people. They all specified these acts, and therefore fully committed themselves, and now stand committed upon them. So did their friends and leaders on this floor. All were even at the start. All were in the same predicament up to the memorable 28th day of March, 1834. Up to that day all were together in the *Caudine Forks;* but now the leaders and the followers are divided. The leaders extricated themselves; they uncommitted themselves; they cut loose from the bank and all its griefs and complaints. They dropped every thing which could connect them upon the record with the bank and its cause; ensconced themselves in the mystification of amphibological phrases; and now stand untrammeled, unpledged, untied, uncommitted and non-committed upon one single allegation of law or fact on which responsibility can be incurred, or an issue can be taken. This is wrong. The leaders should never desert their followers; they should never leave their deluded associates in the lurch. The military man shares the fate of his soldiers; he saves them, or dies with them! The politician should do the same. No monopoly of escape is allowed to one any more than to the other. Here is a case for sympathy and relief, for interposition and help. The followers should be allowed to escape with the leaders; they should be allowed to cut loose from the bank; they should be permitted to uncommit themselves! and for that purpose should have leave to withdraw and amend! to amend, by striking out every thing that relates to the deposites, the Secretaries, the liberties of the people, the responsibility, &c., and float at large upon the undefinable and intangible denunciation of "the late executive proceedings in relation to the revenue!"

IV. My fourth proposition applies to the doctrine of legal implications, and affirms that what has been withdrawn upon objection, cannot afterwards be understood, by implication, to remain a part of the record. The proposition, for its better understanding, will be read. is in these words:

"And whereas the specifications contained in the first and second forms of the resolve, having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon, the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained."

The proposition contains three points: 1st. An affirmation. 2d. A rule of law. 3d. An issue offered. The affirmation, in part, is proved by the record, namely, that the specifications of President Jackson's supposed illegal and unconstitutional conduct were all withdrawn; and the remainder of it, namely, that they were withdrawn because no majority, not even a party one, could be got to vote for them, can be proved by the Senators then and now present. The rule of law is too clear for argument. It is known to every apprentice to the law, that what is given up upon the face of the record cannot be retained, as a part of the case, by any fiction of pleading, legal intendment, constructive implication, mental reservation, or supposititious reintegration whatsoever. The issue is open and bold, that, if the specifications can be saved by implication, they are insufficient to justify the condemnation; and to the trial of this issue we challenge and defy the whole power of the opposition.

V. My fifth proposition affirms the total impropriety and the particular unconstitutionality of the Senate's proceeding against President Jackson. It is in these words:

"And whereas the Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offences against the laws and the constitution, the adoption of the said resolve before any impeachment was preferred by the House was a breach of the privileges of the House, a violation of the constitution, a subversion of justice, a prejudication of a question which might legally come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence."

In this proposition, said Mr. B., I take my stand upon the same ground which I took in the case of Mr. Barry in February, 1831, and in the case of President Jackson in January, 1834. What I said in the case of Mr. Barry, five years ago, has been read; what I said in the case of President Jackson, two years ago, will be read now. It is done for two purposes: first, to show that we stand upon the same ground now which we occupied then; and next, to let it be seen that the expunging process is no after-thought with us; and that gentlemen are not allowed to take a distinction between expunging now and expunging then; their power alone having prevented the expurgation at the same session, the same day, and the same instant, at which the unjust and unrighteous sentence was passed.

Mr. B. here read from the debate of February, 1834:

"Mr. Benton said that the first of these resolutions contained impeachable matter, and was in fact, though not in form, a direct impeachment of the President. He recited the constitutional provision, that the President might be impeached, 1, for treason; 2, for bribery; 3, for other high crimes; 4, for misdemeanors; and said that the first resolution charged both a high crime and a misdemeanor; the crime, in violating the laws and constitution, in seizing upon illegal and ungranted power over the public treasury, to the danger of the liberties of the people; the misdemeanor, in dismissing the late Secretary of the Treasury from office. Mr. B. said that the terms of the resolution were sufficiently explicit to define a high crime within the meaning of the constitution, without having recourse to the arguments and declarations used by the mover of the resolution in illustration of his meaning; but if any doubt remained on that head, it would be removed by the whole tenor of the argument, and especially that part of it which compared the President's conduct to that of Cæsar in seizing the public treasure in Rome, to aid him in putting an end to the liberties of his country; and every Senator, in voting upon it, would vote as directly upon the guilt or innocence of the President as if he was responding to the question of guilty, or not guilty, in the concluding scene of a formal impeachment. We are, then, said Mr. B., trying an impeachment! But how? The constitution gives to the House of Representatives the sole power to originate impeachments; yet we originate this impeachment ourselves. The constitution gives the accused a right to be present; but he is not here. It requires the Senate to be sworn as judges; but we are not so sworn. It requires the Chief Justice of the United States to preside when the President is tried; but the Chief Justice is not here presiding. It gives the House of Representatives a right to be present, and to manage the prosecution; but neither the House nor its managers attend this proceeding. It requires the forms of criminal justice to be strictly observed; yet all these forms are neglected, or violated. It is a proceeding without law, without justice, without precedent! in which the Chief Magistrate of the republic is to be tried without being heard, and in which his accusers are to act as his judges."

This is what I said two years ago. I choose to refer to it as then said, and to repeat it now, first, to show that my present opinions of the conduct of the Senate were formed, two years ago, and fully expressed then, and are not the creation of subsequent events and afterthoughts; and, secondly, that the specifications then made were laid hold of, and expressly objected to, as showing the impeachment character of the resolution; so that the proof is clear that they were withdrawn to avoid objections which could not be answered, and on which votes could not be taken. I thus show that the opinions expressed in this fifth proposition are as old as the commencement of the Senate's proceeding against the President; and what is, perhaps, more material, I have shown from the resolutions proposed in the Kentucky Legislature, in the case of Judge Innis, that they were expressed by others long before I had any occasion to form opinions upon such subjects. I will place my proposition by the side of that resolution, and leave it to any one to show a difference, except in the circumstance that makes the conduct of the Senate many ten thousand times more censurable than the conduct of the Kentucky General Assembly.

It was thus, Mr. President, that I challenged the unconstitutionality of the Senate's proceeding on the moment of the first introduction of this fatal resolution. I did so from a thorough conviction of its total infringement of the constitution. I knew then, and I know now, what was due to the Senate, and what was implicated of myself in the expression of such an opinion. I knew that I spoke under a just and mighty responsibility to that enlightened discernment and high moral sense of the community which no man may be permitted to disregard, and which is so prompt to perceive, and so able to avenge, the outrage of unjust accusation. I knew that the charge must be made good, or recoil upon its author; and I went on at that time to justify the challenge which I had made. Will the Senate indulge me in the reading of a few words of what I then said, and which will stand for a part of my speech now? This is the part which I beg leave to repeat:

Mr. B. then read from the same debate:

"Mr. Benton called upon the Senate to consider well what they did, before they proceed further in the consideration of this resolution. He called upon them to consider what was due to the House of Representatives, whose privilege was invaded, and who had a right, and which had a right, to send a message to the Senate complaining of the proceeding and demanding its abandonment. He conjured them to consider what was due to the President, who was thus to be tried in his absence for a most enormous crime—what was due to the Senate itself in thus combining the incompatible characters of accusers and judges, and which would itself be judged by Europe and America. He dwelt particularly on the figure which the Senate would make in going on with the consideration of this resolution. It accused the President of violating the constitution, and itself committed twenty violations of the same constitution in making the accusation! It accused him of violating a single law, and itself violated all the laws of criminal justice in prosecuting him for it! It charged him with conduct dangerous to the liberties of the people; and immediately trampled upon the rights of all citizens in the gratuitous assumption to protect them from that illusory danger."

Mr. B. would close this head. It was a painful one. It was a pointed and severe condemnation of the Senate's conduct; but not more so than had been pronounced in Kentucky in a case many thousand degrees below the culpability of the present one. Mr. B. would confront his proposition with the concluding resolve in the Kentucky case, and appeal to all candid men to say if the censure then pronounced is not many ten thousand times more applicable to the Senate, who are the constitutional triers of President Jackson, than to the Kentucky General Assembly, who were not the triers of Judge Innis.

The fifth proposition.	*The Kentucky resolution.*
"The Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offences against the laws and constitution, the adoption of the said resolution before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the constitution, a subversion of justice, a prejudication of a question which might come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should be afterwards regularly impeached by the House of Representatives for the same offence."	"That the constitution and laws of the land, securing to each citizen, whether in or out of office, a fair and impartial trial, whether by impeachment or at common law, the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual would tend to subvert the fundamental principles of justice."

VI. Mr. B. took up his sixth proposition, and read it:

"And whereas the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceedings of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal, or printed among its documents, while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity."

Resuming his speech, Mr. B. went on to say that the statements in this proposition were merely historical, and intended to preserve the memory of the manner in which the defence of the President was repulsed, and the attacks of his assailants were received. The proof of the main allegations will be found in the journals of the session of 1833-'34; but what that journal does not show, and what no history can ever adequately tell, is the violence and fury with which the President was denounced, and his protest stigmatized, during all that period. It was a period which covered the progress of the Virginia elections, which, protracted through the month of April in that State, are extended in some instances into the month of May. The debate in the

Senate on the protest was calculated for the meridian of that State, and spread over the three weeks that the remaining elections had to continue; and during all that time a daily torrent of invective was poured upon his head, and language the most furious and contumelious was lavished upon him, exhibiting, perhaps, a degree of virulence, in the breasts of those who had just been acting as judges, never before witnessed in our America, never seen in England since the time that Jeffries rode the western circuit, and never seen in France before or since the time when the revolutionary tribunal sat in judgment upon the noblest spirits of the country, and called up, to be insulted at the bar, those whom it dismissed to be detruncated on the scaffold. This scene ended in the adoption of the resolution which will be found at page 253 of the Senate journal for the session of 1833-'34: "That the aforesaid protest is a breach of the privileges of the Senate, and that it be not entered on the journals."

A breach of their privileges! The attempt of the President, after sentence pronounced upon him, to show that it ought not to have been pronounced, to be solemnly voted to be a breach of the privileges of this Senate! What are, then, our privileges? Is it the privilege of the Senate to condemn without hearing, and to insult whom it condemns? In the language of the Kentucky resolutions, is it their privilege to arraign the public officer who may have committed a violation of the laws and constitution of the Union, and to fix an indelible stigma upon him, without the forms of trial or judicial proceedings? Is it their privilege to consume the public treasure and the public time in investigating subjects not within their sphere? Is it their privilege to violate the right to that fair and impartial trial which the constitution and the laws of the land have secured to every citizen, in or out of office, whether triable by impeachment or at common law? Is it their privilege to exhibit the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, and thus subverting the fundamental principles of justice? More than all, is it the privilege of the Senate to try the President of the United States upon charges put forth by the Bank of the United States, and to use against him the fifty pages of accusation furnished by the bank, and not receive one word of defence offered by himself? Is it the privilege of the Senate to act as witnesses, prosecutors, and judges, in the same case? Is it their privilege to withdraw specifications from the record, and retain them in the mind; to make a verdict upon compromise, and to condemn the President without being able to tell for what? Is it their privilege to receive petitions from one hundred and twenty thousand people, demanding the condemnation of the President, and not hear one word from himself in vindication of his innocence? If these are the privileges of the Senate, then has the President violated those privileges by protesting against them; if not, then has the Senate placed another entry upon its journal which truth and justice would require to be taken off.

Mr. President, this condemnation of President Jackson, for violating the privileges of the Senate, is a much more serious affair than would seem to persons not familiar with parliamentary law. It is a conviction for a crime! for a crime which may affect the independence, the existence, and the purity, of the body. It is a crime for which the Senate has a right to punish the offender! to take him into custody by the Sergeant-at-arms, to have him brought to the bar of the Senate, reprimanded, imprisoned, or required to apologize. In cases of imprisonment, the party is not bailable, nor can he be released upon *habeas corpus;* so that here is a condemnation of the President, by virtue of which the Senate could make the President their prisoner, and keep him in confinement without the right to legal release. In England there is but one instance of the House of Commons having declared the King to have violated the privileges of Parliament, and that declaration was followed by civil war, and the eventual death of the King. It was the case of Charles the I., going in person to demand the arrest of the five members, Hampden, Pym, Holles, Strowd, and Haslerig. The House of Commons voted the demand to be a violation of their privileges, and that the violation of their privileges was the overthrow of Parliament. Here are the words of the resolve: "That the violating the privileges of Parliament is the overthrow of Parliament;" and acted accordingly, for the civil war immediately began, and ended, as every body knows, in the death of the King. After voting that President Jackson had violated their privileges, why not follow up the vote to do something in vindication of those privileges? Why not follow out the judgment? If true, it ought to be enforced; if not true, it ought not to have been pronounced. Was it sufficient that the Virginia elections were impending, and that effect there would satisfy justice here? This was twice in the same session that the President was pronounced guilty of criminal offences, and twice permitted to go unpunished, by the gratuitous clemency of his judges. Yes, sir, gratuitous clemency; pardon, without petition for mercy; for the man who does not "stain the honor of his country by making an apology for speaking truth in the performance of duty," does not compromise the dignity of his species by impetrating pardons from judges who condemn without hearing, and reject as insult a protestation of innocence.

VII. Mr. B. took up his seventh and last proposition, and read it. It was in these words:

"And whereas the said resolve was introduced, debated, and adopted, at a time, and under circumstances, which had the effect of co-operating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country—to destroy the confidence of the people in President Jackson—to paralyze his administration—to govern the elections—to bankrupt the State banks—ruin their currency—fill the whole Union with terror and distress, and thereby to extort from the sufferings and alarms of the people the restoration of the deposites and the renewal of its charter."

In support of this proposition (said Mr. B.) I propose to read, before I produce the direct proofs, the prediction which Mr. Jefferson made thirty years ago, and in which he described to the life, and foretold to the letter, the exact conduct of which the present Bank of the United States has just been guilty.

"This institution is one of the most deadly hostility existing againt the principles and the form of our constitution. The nation is at this time so strong and united in its sentiments that it cannot be shaken at this moment; but suppose a series of untoward events to occur, sufficient to bring into doubt the competency of a republican Government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by its branches every part of the Union, acting by command and in phalanx, may, in a critical moment, upset the Government. I deem no Government safe which is under the vassalage of self-constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this Bank of the United States, with all its branches, be in time of war! It might dictate to us the peace we should accept, or withdraw its aids. Ought we, then, to give further growth to an institution so powerful, so hostile?

That it is so hostile we know; first, from a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch, and those of most of the stockholders; secondly, from their opposition to the measures and principles of the Government, and to the election of those friendly to them; thirdly, from the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our constitution to bring this powerful enemy to a perfect subordination under its authorities; and the first measure would be to reduce them to an equal footing only with other banks, as to the favors of the Government."

Such was the prediction! the fulfilment took place in the winter of 1833-'34, and we all beheld it. That the Bank of the United States plotted and machinated the panic and pressure then produced, is a fact that nobody doubts at present, and few deny. It was a plot against the Government and against the property of the country. If proof was necessary to establish the fact, it could be had in a thousand ways, a few of which I will now briefly enumerate.

1. There was no necessity for the pressure. This is proved by the fact that the bank had made two curtailments before the pressure, and had curtailed upwards of three millions more than she had lost by the removal of the deposites. The amount of deposites on the first of October was $9,868,435, of which $3,066,561 remained unremoved at the commencement of the pressure, and until it was over. The whole removal, then, was $6,798,874. To meet and cover this loss, the bank had curtailed, by orders sent out in August, as soon as it knew the removal was to be made, the sum of $4,066,000; and in October, the further sum of $5,825,000, making $9,868,436, and being the full amount of all the deposites, and $22,500 over; so that, to repair a loss of about six millions and three quarters, the bank had already called in about nine millions and three quarters. So well did the bank know that it had no excuse for making a further curtailment on account of the removal of the deposites, that it did not dare to state that falsehood to its own branches, which knew the truth, but placed the third curtailment, which was ordered in January, and produced the pressure, wholly upon different grounds, namely, "upon the new measures of hostility understood to be in contemplation." But what places this point beyond the power of guilt itself to deny, is that the whole amount collected from the people during the pressure, and about $100,000 over, amounting in the whole to about $3,500,000, was remitted to Europe, to lie idle in the hands of agents there, until long after the pressure was over.

2. The parricidal nature of the bank attacks upon the business, the prosperity, the confidence, and the commerce of the country, was proved by the universality of its operations, and the system of its efforts in all parts of the country, at the same time. From Passamaquoddy bay to Attakapas creek, from the Dismal Swamp in Virginia to Boonslick in Missouri, every where that the bank had power to excite and disturb the country, the scene was the same. Shops and factories shut; wages reduced; workmen and day laborers dismissed; loans refused to business men, and granted to brokers; the exchanges doubled at some points, and stopped at others; public meetings held; the President denounced for all the mischief which the bank itself was perpetrating; committees sent on to petition Congress; itinerant orators addressing the people in the streets, and on tavern steps, even on Sundays, to excite and exasperate the people; the most alarming reports constantly put in circulation, the whole crowned by the great distress jubilee in the cow-yard at Powelton, in the purlieus of Philadelphia; by the insulting repulse of the select committee of the House of Representatives; and by the fraternal reception of the four members of the Finance Committee of the Senate.

3. The attacks upon the credit and currency of the State banks, the predictions of their insolvency, and the efforts to make them so, were clear proof of the designs of the Bank of the United States to bankrupt these institutions, and to produce a scene of general insolvency throughout the Union. This attack was general, against the whole six hundred banks in the country, but hottest, heaviest, and longest continued, against the banks, and especially the safety fund banks, of New York. The heaviest artillery of the United States Bank press was directed against them, and at the same time the Bank of the United States was lauded, in its own publications, as the only check to the corruption and political predominance of the safety fund system, and the Albany regency which founded and directed it. The Quarterly Review, a periodical published under the eyes of the bank, and devoted to its interests, had publicly opened the batteries upon these points, and carefully indicated every separate point to the subaltern assailants. Here are extracts from that journal, which attest this assertion, and show the true origin of all the assaults upon the name, character, institutions, and citizens of New York, which pervaded the Union, and particularly displayed themselves in this chamber during the whole panic session.

From the March number for 1831.

"Let us, for example, suppose that a system of banking was adopted for a State, by which, under the color of guarding the public against their insolvency, those institutions were subjected to a surveillance and control, which were calculated to make them feel their dependance on the State Governments, and when this plan was matured, to make them obsequious to its will. Would not every friend of the political purity of the State, and the independent spirit of its citizens, wish to see a scheme of this character frustrated? And what means so conducive as the Bank of the United States?"

From the March number for 1832.

"Besides these contrivances to consolidate the banking system of that State into one great machine, a further concentration of power is obtained and vested in a few individuals around the seat of Government,* by means of that portion of the public revenue appropriated to the redemption of the canal loans. This institution is in the hands of a few leading men of the prevailing party in that State;† and in the incorporating of the new banks, for several years past, efforts have been made to provide in the distribution of stock for such as fraternize with them in political sentiment in the places where the new banks are located, so as in general to give to them a control over them. The consequence has been, that an undue share of banking influence has been concentrated in the hands of the dominant party, and they now stand ready to control the banking system of the State, or in case the United States Bank be not rechartered, to take upon themselves the transaction of the exchange business"

Mr. B. referred to the secret orders sent to the branches in January, 1834, for the third curtailment, for corroboration of what he had said. They all set out with a myterious annunciation of danger, without telling what it was; but in two of those orders, the one to the branch at Charleston and the other at New Orleans, this danger was distinctly shown to be political, and to have reference to the overthrow of the administration, and that the pressure ordered at those points was to cease the instant the catastrophe was effected. Here is an extract from these two orders:

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* The Albany regency.—*Note by Mr. B.*

† The aforesaid regency.—*Note by Mr. B.*

"The state of things here is very gloomy, and unless Congress takes some decided step to prevent the progress of the troubles, they may soon outgrow our control. Thus circumstanced, our first duty is to the institution, to preserve it from danger; and we are therefore anxious, for a short time at least, to keep our business within manageable limits, and to make some sacrifice of profit to entire security. It is a moment of great interest, and exposed to sudden changes in public affairs, which may induce the bank to conform its policy to them. Of these dangers, should any occur, you will have early advice." (Letter of Mr. Biddle to Mr. Montgomery, president of the New Orleans branch, dated January 24th, 1834.)

The next is to Mr. Johnson, president of the branch at Charleston, South Carolina, dated the 30th January. The passage is this:

"On the defeat of these attempts to destroy the bank depends, in our judgment, not merely the pecuniary interests, but the whole free institutions of our country; and our determination is, by even a temporary sacrifice of profit, to place the bank entirely beyond the reach of those who meditate its destruction."

Mr. B. said that these letters were as plain as such communications could be expected to be; in letting these confidential and distant branches, for none others received the same intimations, know that the bank was at war with the Government; that great changes in public affairs were suddenly expected; that the bank was contending for the free institutions of the country; and meant to incur temporary sacrifices of property to incur them; and that as soon as the changes took place, that is to say, as soon as the administration was overthrown, these distant branches should be informed of it, and the bank would conform its policy to the change; that is to say, would stop the pressure, and pour out its money in loans and accommodations, in support of the party that overthrew the tyrant. This is the literal and fair interpretation of the letters; and if any body wishes for more evidence to convince them of the wantonness and wickedness of the curtailment at New Orleans, where it was so heavy, and where so much mischief was done to merchants and traders, and to the produce of the upper country, it can be found in the fact that the bank shipped off to Europe, immediately, the whole amount it curtailed, to lie in Europe undrawn for until long after the panic was over.

That the design of this bank was to unhinge the confidence of the people in their public functionaries, and to upset the Government, was proved not only by the ferocity of the warfare carried on against the President, and the House of Representatives which stood by him, and by the plaudits showered upon the Senate which was attacking him, but by the express declarations and ostentatious proclamations of the bank itself; for to such a pitch of unparalleled audacity was the impudence of that institution carried by its confidence in its own moneyed power, and the co-operative effect of the Senate's conduct, that, far from denying, it boasted and gloried in its determination to drive the usurper, interloper, and profligate adventurer, as the President was called, from the high place which he dishonored. Here is one of these declarations, issued by the president of the bank himself, and published in the organ of the bank, the Philadelphia National Gazette:

"The great contest now waging in this country is between its free institutions and the violence of the vulgar despotism. The Government is turned into a baneful faction, and the spirit of liberty contends against it throughout the country. On the one hand is this miserable cabal, with all the patronage of the Executive; on the other the yet unbroken mind and heart of the country, with the Senate and the bank; the House of Representatives, hitherto the instinctive champion of freedom, shaken by the intrigues of the kitchen, hesitates for a time, but cannot fail before long to break its own fetters first, and then those of the country. In that quarrel, we predict they who administer the bank will shrink from no proper share which the country may assign to them. Personally, they must be as indifferent as any of their fellow-citizens to the recharter of the bank; but they will not suffer themselves, nor the institution intrusted to them, to be the instrument of private wrong and public outrage; nor will they omit any effort to rescue the institutions of the country from being trodden under foot by a faction of interlopers. To these profligate adventurers, whether their power is displayed in the executive or legislative department, the directors of the bank will, we are satisfied, never yield the thousandth part of an inch of their own personal rights or their own official duties; and will continue this resistance until the country, roused to a proper sense of its dangers and its wrongs, shall drive these usurpers out of the high places they dishonor."

This public avowal of the design of the bank to upset the administration has been confirmed by subsequent developments, and, since the Princeton address, may be considered as the fixed and permanent policy of the institution. In that address, the president of the bank thus holds forth:

"Never desert the country; never despond over its misfortunes. Confront its betrayers, as madmen are made to quail beneath the stern gaze of fearless reason. They will denounce you. Disregard their outcries; it is only the scream of the vultures whom they scare from their prey. They will seek to destroy you. Rejoice that your country's enemies are yours. You can never fall more worthily than in defending her from her own degenerate children. If overborne by this tumult, and the cause seems hopeless, continue self-sustained and self-possessed. Retire to your fields, but look beyond them. Nourish your spirits with meditation on the mighty dead who have saved their country. From your own quiet elevation, watch calmly this servile route, as its triumph sweeps before you. The avenging hour will at last come. It cannot be that our free nation can long endure the vulgar dominion of ignorance and profligacy. You will live to see the laws re-established; these banditti will be scourged back to their caverns; the penitentiary will reclaim its fugitives in office, and the only remembrance which history will preserve of them is the energy with which you resisted and defeated them."

The levity and flippancy with which the pressure was abandoned by the bank in Philadelphia, without giving notice to its friends in the Senate, was a circumstance on which Mr. B. dwelt at large, not only to show the wantonness of the pressure, but the insolence of the bank towards its friends and champions. He wished to recall to the recollection of the Senate the scene of Friday, the the 27th day of June, in the year of the panic session. It was a day of heavy presentation of distress memorials, and great delivery of distress speeches. It was one of the most alarming days which the panic had produced. It seemed to be a rally for the last final effort. Never did the alarm guns fire quicker, the tocsin ring louder, or the distress flag float higher, than on that day. The speeches which ushered in the distress memorials might be lost, or imperfectly reported; but a statement of the memorials is preserved upon the journal, and from that source I will read them to the Senate.

Mr. B. then read from the journal of Friday, the 27th of June, 1834:

"Mr. Hendricks presented the petition of upwards of 500 citizens of Marion county, Indiana, disapproving the removal of the public deposites, and praying a recharter of the Bank of the United States."

"Mr. Ewing presented the memorial of 103 citizens of Harrison township, Piqua county, Ohio, disapproving the removal of the public money from the Bank of the United States, and in favor of a national bank."

"Mr. Tomlinson presented the memorial of the citizens of Newtown, Fairfield county, Connecticut, praying, as the only remedy for existing evils, that the public money may be restored to the Bank of the United States, and that the bank may be rechartered with suitable modifications."

"Mr. Clay presented the memorial of 170 citizens of York county, Pennsylvania, praying, as the only means of restoring public and private credit, that the public money may be restored to the Bank of the United States, and that that bank may be rechartered with suitable modifications."

"He presented the proceedings and resolutions adopted at a meeting of the citizens of Butler county, Pennsylvania, opposed to all the acts of the executive in relation to the public money and the Bank of the United States, and in favor of rechartering that bank."

"He presented the memorial of 700 citizens of Mason county, Kentucky, remonstrating against the acts of the Executive in relation to the public money and the Bank of the United States, as a usurpation of power, and dangerous to the liberties and happiness of the people, and praying for its restoration, and a recharter of the bank."

Such were the memorial presented on Friday, the 27th day of June, accompanied by the usual lamentations over the ruin of the country, and the usual commiseration for the hard fate of the bank, and the usual reiteration of the impossibility of relieving the distress until the deposites were restored, or the charter renewed. Such was the scene going on in this chamber; while on the same identical day, and, peradventure, in the same hour, the bank, calm as a summer's morning, was quietly adopting a resolve to put an end to the game, to cease curtailing, to restore exchanges, to loan five or ten million of dollars, to make money plenty, and to expand its currency with more rapidity than it had ever contracted it. The resolve was adopted at the board, and the result communicated to the New York merchants with that flippant levity which discriminates one branch of the bank school from the ponderous verbosity of the other. The communication, in the lightest style of an unimportant note, stated that Congress was about to rise without doing any thing for the relief of the country; so the bank would relieve the country itself, and immediately commenced loaning and expanding with all possible rapidity. And so ended the agony of six months; the light and flippant conclusion of the panic, being in exact proportion to the audacity of its conception and the ferocity of its execution. So true were the words of President Jackson, who constantly told the distress committees to go back to Mr. Biddle, that he could relieve them at any hour that he pleased! But what are we to think of the insolence of this institution; its contemptuous indifference to its friends in the Senate, to let them continue to go on in the old strain, singing to the old tune, and repeating that eternal ditty, "that the removal of the deposites made the distress, and nothing could relieve the distress but the restoration of the deposites or the renewal of the charter," and thus exposing themselves to ridicule in the Senate, at the very moment that the bank, throwing off all disguise, and appearing in her true condition, bids adieu to the panic, makes a laugh at the whole affair, and goes on to run up its loans and circulation to the highest amount that the country would take.

I know, Mr. President, that the four members of our Finance Committee made a report in favor of the bank, and which will be relied upon to prove its innocence of every thing laid to its charge; but I know also that the report was incorrect in its views, mistaken in facts and in law, partial to the bank, unjust to the President, and to the House of Representatives, and to Mr. Taney, injurious to the people, and dangerous to their rights and liberties. I know this to be the character of that report, for I studied it well, and made a motion at the last session to recommit it, that I might have an opportunity of showing what it was. That motion was laid upon the table by the friends of the bank, and I was precluded from making my exposition of its errors and infirmities; but what I was unable to do then I am able to do now; and if any one member of that committee shall dissent from the judgment I have now pronounced upon their work, I hold myself bound and ready to make it good, and even to show that I have spoken in terms of limited censure and of subdued moderation in respect to it. The gentleman who was the organ of the report [Mr. TYLER] is no longer here; but three members of the committee remain to defend their work; and we all remember that it was announced at the time that the committee were unanimous in that report.

That it was the misfortune of the Senate so to act, during all this frightful scene, as to have the effect of co-operating with the Bank of the United States, it is now my duty to show. With motives or intentions I have nothing to do; I deal with acts alone; and limiting myself to the most subdued style of historical narrative, I proceed to enumerate the leading points which give to the Senate's conduct the fatal aspect of a co-operation with the Bank.

1. The nature and specifications of the charges preferred by the Senate against the President; being the same which the bank had previously set forth in all the newspapers engaged in its interest; and in that famous manifesto of which I have given the origin and read some parts.

2. The arguments used by Senators in support of these charges; being the same which had been previously used by the bank in all its publications, and especially in that authentic manifesto.

3. The adoption of all these speeches and reports by the bank; about eight hundred thousand copies of which are ascertained to have been paid for out of the corporate funds of the institution (costing about $26,250) and distributed under the frank of members of Congress friendly to the bank, into every quarter and corner of the Union.

4. In the identity of action on the fears and passions of the community, by alarm meetings got up by the bank, and alarm speeches delivered in the Senate.

5. In the manner of treating the petitions against the President which were got up by the bank and sent to the Senate, the whole of which were received with emphatic distinctions, read at the table, applauded, referred, printed, laid away among the archieves, and transmitted to distant posterity in the numerous volumes of our public documents.

6. In the concurrence of time in the periods of commencing operation in the Senate and in the bank, the resolution for condemning the President having been brought in on the last days of December, and the two-and-twenty orders for making the curtailment and pressure having issued from the bank in the January following.

7. In the concurrence of time in the periods of terminating the operations in each case, and the conformity of these terminations to the occurrence of elections in New York and Virginia; the Senate having reached the end of its process on the 28th of March, the bank curtailment having attained its maximum on the first

days of April, and the elections occurring at the same period.

8. In the long neglect to act upon the nominations of Government directors for the Bank of the United States, and the eventual rejection of all those denounced by the bank, whereby the people of the United States were deprived of the lawful share of representation at the board of the bank during the period of the panic and pressure.

9. In the rejection of Mr. Taney for the office of the Secretary of the Treasury, after the specification of the illegality of his appointment had been withdrawn, and after Senators had thus deprived themselves of their own argument for rejecting him.

10. In the manner of receiving the plaudits of the friends of the bank in the galleries of the Senate, for whatever was most offensive to the President and most honorable to the bank.

11 In the peregrinations and harangues of Senators who visited cities and traversed States, making speeches to multitudes, declaiming against the President and lauding the bank.

12. In the unity, energy, and perseverance of the attack, in the Senate and at the bank, upon the credit and currency of the State banks, and especially of the State of New York, and above all, of the safety fund banks.

13. In the illegal and unparliamentary appointment of the standing Finance Committee of the Senate to visit and examine the Bank of the United States, after the legal and parliamentary committee of the House of Representatives had been repulsed; the said committee consisting of the exclusive friends of the bank in its controversy with the President, and its public advocates on the identical points most requiring examination.

14. In laying on the table my resolution for recommitting the report of that committee, whereby I was prevented from showing the illegal and unparliamentary constitution of that committee, the partiality of its conduct to the bank, the injustice of its report to the President, to Mr. Taney, and to the country; and its manifold mistakes and errors of law and of fact, to the prejudice of the country and to the advantage of the bank.

The condemnation of the President, combining as it did all that illegality and injustice could inflict, had the further misfortune to be co-operative in its effects with the conspiracy of the Bank of the United States to effect the most wicked universal scheme of mischief which the annals of modern times exhibit. It was a plot against the Government, and against the property of the country. The Government was to be upset, and property revolutionized. Six hundred banks were to be broken, the general currency ruined, myriads bankrupted, all business stopped, all property sunk in value, all confidence destroyed! that out of this wide-spread ruin and pervading distress the vengeful institution might glut its avarice and ambition, trample upon the President, take possession of the Government, reclaim its lost deposites, and perpetuate its charter. These crimes, revolting and frightful in themselves, were to be accomplished by the perpetration of a whole system of subordinate and subsidiary crime! the people to be deceived and excited; the President to be calumniated; the effects of the bank's own conduct to be charged upon him; meetings got up; business suspended; distress deputations organized; and the Senate chamber converted into a theatre for the dramatic exhibition of all this fictitious wo. That it was the deep and sad misfortune of the Senate so to act as to be co-operative in all this scene of mischief is too fully proved by the facts known to admit of denial. I speak of acts, not of motives. The effect of the Senate's conduct in trying the President and uttering alarm speeches was to co-operate with the bank, and that secondarily, and as a subordinate performer; for it is incontestable that the bank began the whole affair; the little book of fifty pages proves that. The bank began it; the bank followed it up; the bank attends to it now. It is a case which might well be entered on our journal as a State is entered against a criminal in the docket of a court: The Bank of the United States *versus* President Jackson; on impeachment for removing the deposites. The entry would be justified by the facts, for these are the indubitable facts. The bank started the accusation; the Senate took it up. The bank furnished arguments; the Senate used them. The bank excited meetings; the Senate extolled them. The bank sent deputations; Senators received them with honor. The deputations reported answers for the President which he never gave; the Senate repeated and enforced these answers. Hand in hand throughout the whole process, the bank and the Senate acted together, and succeeded in getting up the most serious and afflicting panic ever known in this country. The whole country was agitated. Cities, towns, and villages, the entire country, and the whole earth, seemed to be in commotion against one man. A revolution was proclaimed! the overthrow of all law was announced! the substitution of one man's will for the voice of the whole Government was daily asserted! the public sense was astounded and bewildered with dire and portentous annunciations! In the midst of all this machinery of alarm and distress, many good citizens lost their reckoning; sensible heads went wrong, stout hearts quailed, old friends gave way, temporizing counsels came in, and the solitary defender of his country was urged to yield! Oh, how much depended upon that one man at that dread and awful point of time! If he had given way then, all was gone! An insolent, rapacious, and revengeful institution would have been installed in sovereign power. The federal and State Governments, the Congress, the Presidency, the State Legislatures, all would have fallen under the dominion of the bank; and all departments of the Government would have been filled and administered by the debtors, pensioners, and attorneys of that institution. He did not yield, and the country was saved. The heroic patriotism of one man prevented all this calamity, and saved the republic from becoming the appendage and fief of a moneyed corporation. And what has been his reward? So far as the people are concerned, honor, gratitude, blessings, everlasting benedictions; so far as the Senate is concerned, dishonor, denunciation, stigma, infamy. And shall these two verdicts stand? Shall our journal bear the verdict of infamy, while the hearts of the people glow and palpitate with the verdict of honor?

President Jackson has done more for the human race than the whole tribe of hack politicians put together, and shall he remain stigmatized and condemned for the most glorious action of his life? The bare attempt to stigmatize Mr. Jefferson was not merely expunged, but cut out from the journal, so that no trace of it remains upon the Senate records. The designs are the same in both cases; but the aggravations are inexpressibly greater in the case of President Jackson. Referring to the journals of the House of Representatives for the character of the attempt against President Jefferson, and the reasons for repulsing it, and it is seen that the attempt was to criminate Mr. Jefferson, and to charge him upon the journals with a violation of the laws; and that this attempt was made at a time, and under circumstances, insidiously calculated to excite unjust suspicion in the minds of the people against the Chief Magistrate. Such was precisely the character of the charge, and the effect of the charge, against President Jackson, with the difference only that the proceeding against President Jackson was many ten thousand times more revolting and aggravated; commencing as it did in the bank, carried on by a violent political party, prosecuted to sentence and condemnation, and calculated, if believed, to destroy the President, to change the administration, and to put an end to popular representative government. Yes, sir, to put an end to elective and representative government! For what are all the attacks upon President Jackson's administration but attacks upon the people who elect and re-elect him, who approve his administration, and, by approving, make it their own? To condemn such a President, thus supported, is to condemn the people, to condemn the elective principle, to condemn the fundamental principle of our Government, and to establish the favorite dogma of the monarchists, that the people are incapable of self-government, and will surrender themselves as collared slaves into the hands of military chieftains.

Great are the services which President Jackson has rendered his country. As a general he has extended her frontiers, saved a city, and carried her renown to the highest pitch of glory. His civil administration has rivalled and transcended his warlike exploits. Indemnities procured from the great Powers of Europe for spoliations committed on our citizens under former administrations, and which by former administrations were reclaimed in vain; peace and friendship with the whole world, and, what is more, the respect of the whole world; the character of our America exalted in Europe; so exalted that the American citizen treading the continent of Europe, and contemplating the sudden and great elevation of the national character, might feel as if he himself was an hundred feet high. At home we behold a brilliant and grateful scene: the public debt paid, taxes reduced, the gold currency restored, the southern States released from a useless and dangerous population, all disturbing questions settled, a gigantic moneyed institution repulsed in its march to the conquest of the Government, the highest prosperity attained, and the hero patriot now crowning the list of his glorious services by covering his country with the panoply of defence, and consummating his measures for the restoration and preservation of the currency of the constitution. We have had brilliant and prosperous administrations; but that of President Jackson eclipses, surpasses, and casts into the shade, all that have preceded it. And is he to be branded, stigmatized, condemned, unjustly and untruly condemned; and the records of the Senate to bear the evidence of this outrage to the latest posterity? Shall this President, so glorious in peace and in war, so successful at home and abroad, whose administration, now hailed with applause and gratitude by the people, and destined to shine for unnumbered ages in the political firmament of our history; shall this President, whose name is to live for ever, whose retirement from life and services will be through the gate that leads to the temple of everlasting fame; shall he go down to posterity with this condemnation upon him, and that for the most glorious action of his life?

Mr. President, I have some knowledge of history, and some acquaintance with the dangers which nations have encountered, and from which heroes and statesmen have saved them. I have read much of ancient and modern history, and nowhere have I found a parallel to the services rendered by President Jackson in crushing the conspiracy of the bank, but in the labors of the Roman Consul in crushing the conspiracy of Catiline. The two conspiracies were identical in their objects; both directed against the Government and the property of the country. Cicero extinguished the Catilinean conspiracy, and saved Rome; President Jackson defeated the conspiracy of the bank, and saved our America. Their heroic service was the same, and their fates have been strangely alike. Cicero was condemned for violating the laws and the constitution; so has been President Jackson. The Consul was refused a hearing in his own defence; so has been President Jackson. The life of Cicero was attempted by two assassins; twice was the murderous pistol levelled at our President. All Italy, the whole Roman world, cried out against the injustice done to the patriot Consul; all America is now crying out against the injustice done to the patriot President. Twenty thousand young Romans, in a procession to the Capitol, tore the sentence of the Consul's condemnation from the *fasti* of the republic; a million of Americans, fathers and heads of families, now demand the expurgation of the sentence against the President. Cicero, followed by all that was virtuous in Rome, repaired to the temple of the tutelary gods, and swore upon the altar that he had saved his country; President Jackson, in the temple of the living God, might take the same oath, and find its response in the hearts of millions. Nor shall the parallel stop here; but after times and remote posterities shall render the same honors to each. Two thousand years have passed, and the great actions of the Consul are fresh and green in history. The school-boy learns them; the patriot studies them; the statesman applies them; so shall it be with our patriot President. Two thousand years hence—ten thousand—nay, while time itself shall last, for who can contemplate the time when the memory of this republic shall be lost? while time itself shall last, the name and fame of Jackson shall remain and flourish; and this last great act by which he saved the Government from subversion, and property from revolution, shall stand forth as the seal and crown of his heroic services. And if any thing that I myself may do or say shall survive the brief hour in which I live, it will be the part which I have taken, and the efforts which I have made, to sustain and defend the great defender of his country.

Mr. President, I have now finished the view which an imperious sense of duty has required me to take of this subject. I trust that I have proceeded upon proofs and facts, and have left nothing unsustained which I feel it to be my duty to advance. It is not my design to repeat, or to recapitulate; but there is one further and vital consideration which demands the notice of a remark, and which I should be faithless to the genius of our Government if I should pretermit. It is known, sir, that ambition for office is the bane of free States, and the contentions of rivals the destruction of their country. These contentions lead to every species of injustice, and to every variety of violence, and all cloaked with the pretext of the public good. Civil wars and banishment at Rome; civil wars, and the ostracism at Athens; bills of attainder, star chamber prosecutions, and impeachments, in England; all to get rid of some envied or hated rival, and all pretexted with the public good. Such has been the history of free States for two thousand years. The wise men who framed our constitution were well aware of all this danger and all this mischief, and took effectual care, as they thought, to guard against it. Banishment, the ostracism, the star chamber prosecutions, bills of attainder, all those summary and violent modes of hunting down a rival which deprive the victim of defence by depriving him of the intervention of an accusing body to stand between the accuser and the trying body; all these are proscribed by the genius of our constitution. Impeachments alone are permitted; and these would most usually occur for political offences, and be of a character to enlist the passions of many, and to agitate the country. An effectual guard, it was supposed, was provided against the abuse of the impeachment power, first, by requiring a charge to be preferred by the House of Representatives, as the grand inquest of the nation; and, next, in confining the trial to the Senate, and requiring a majority of two thirds to convict. The gravity, the dignity, the age of the Senators, and the great and various powers with which they were invested—greater and more various than are united in the same persons under any other constitutional Government upon earth—these were supposed to make the Senate a safe depository for the impeachment power; and if the plan of the constitution is followed out it must be admitted to be so. But if a public officer can be arraigned by his rivals before the Senate for impeachable offences without the intervention of the House of Representatives, and if he can be pronounced guilty by a simple majority, instead of a majority of two thirds, then has the whole frame of our Government miscarried, and the door left wide open to the greatest mischief which has ever afflicted the people of free States. Then can rivals and competitors go on to do what it was intended they should never do; accuse, denounce, condemn, and hunt down each other! Great has been the weight of the American Senate. Time was when its rejections for office were fatal to character; time is when its rejections are rather passports to public favor. Why this sad and ominous decline? Let no one deceive himself. Public opinion is the arbiter of character in our enlightened day; it is the Areopagus from which there is no appeal! That arbiter has pronounced against the Senate. It has sustained the President, and condemned the Senate. If it had sustained the Senate, the President must have been ruined! as it has not, the Senate must be ruined, if it perseveres in its course, and goes on to brave public opinion! as an institution, it must be ruined!

Sir, I finish. I have endeavored to discharge a painful duty with firmness but without violence. I have endeavored to keep within the pale of recorded facts. I wish nothing to stand upon my assertion, but every assertion to be referred back to the evidence and to be measured by it. If any one thinks that I have been harsh or severe, let him only carry back his memory to the scenes of the panic session, and recollect in what terms President Jackson and his friends were spoken of at that time. Above all, let him remember that he is now present to speak, and to vote, for himself; that he has two advantages of which the President had neither; and of one of which it behooves him to use wisely as well as justly: I speak of the voting power; and am free to admit that so far as a Senator is backed by his State in voting for himself, he votes efficiently and justifiably; so far as he votes for himself, against the sense of his State, he votes without the ingredient which gives efficacy to his voice, and leaves his case more deplorable than it was before.

Before Mr. Benton had concluded his speech, as given entire above,

On motion of Mr. HUBBARD,

Ordered, That when the Senate adjourn, it adjourn to meet again on Monday next.

On motion of Mr. HUBBARD, the Senate then adjourned.

Monday, March 21.

EXPUNGING RESOLUTION.

The Senate proceeded to the consideration of the unfinished business, being the expunging resolution offered by Mr. Benton.

Mr. BENTON resumed his observation in support of his resolution, as given in preceding pages, and concluded with moving to postpone the subject, and to make it the special order for Monday two weeks.

Mr. PORTER expressed a wish to say a few words; when Mr. BENTON withdrew his motion.

On motion of Mr. WRIGHT, the subject was then postponed, and made the special order for to-morrow.

The Senate then proceeded to the consideration of executive business; and, after remaining a short time with closed doors, the Senate adjourned.

Tuesday, March 22.

ADMISSION OF ARKANSAS.

Mr. BUCHANAN, from the select committee to whom was referred the memorial of the Territory of Arkansas, on the subject, reported a bill to provide for the admission of Arkansas into the States of the Union; which was read, and ordered to a second reading.

Mr. BENTON moved to make the bill for the admission of Michigan, and the other bill last reported, the special order for Friday.

This motion was objected to by Mr. EWING of Ohio, Mr. PORTER, and Mr. CLAYTON, in consequence of the absence of Mr. Webster, Mr. Leigh, and Mr. Naudain, who were necessarily away, but would be in their places early in the week.

On the other side, Mr. BENTON and Mr. BUCHANAN stated that other Senators would be compelled to go away next week, so that the Senate would still not be full.

Mr. EWING, of Ohio, moved that the business be made the special order for Wednesday; but the motion was negatived: Yeas 19, nays 20.

Mr. CLAYTON moved Tuesday; and this motion was agreed to: Yeas 21, nays 18.

JOHN McCARTNEY.

The bill for the relief of John McCartney being taken up, the rejection of which had been recommended by the Committee of Claims,

Mr. MOORE rose and said that he regretted extremely that a duty he owed to a worthy man and a constituent impelled him to use his most zealous exertions to reverse the report of the Committee of Claims in the case now presented for the consideration of the Senate. I feel duly sensible (said Mr. M.) of the embarrassments by which I am surrounded. I am well aware that the views of any committee of this body have, upon all subjects submitted for its consideration, much influence, and to none probably is more due than is due to the Committee of Claims. But knowing as well as I do the entire history of the claim, the character of the applicant, and believing, as I conscientiously do, that the claim is founded in equity and justice, I am compelled to believe that the committee have acted under the influence of some mistake or erroneous view as regards the true merits and foundation of the claim, and that when it shall be fully understood there will be no difficulty in granting the poor pittance provided by this bill.

I have said I was well acquainted with the applicant; and who is he? Mr. McCartney, sir, was one of the earliest settlers in that delightful country known as the Big Bend of Tennessee; a poor, but honest, and highly respectable and meritorious citizen, whom I have known personally and intimately for something like twenty-six years; who is universally respected by all his acquaintances; whose word is as current and good as any other man, be he rich or great. And, sir, he is one of the few revolutionary worthies who gave the prime of his life to his country in that struggle which resulted in the establishment of the liberty we now enjoy, which has been satisfactorily proved by his being placed on the pension roll. Sir, this is the history of the man. Now, what is the history of the case?

At an early period after the acquisition of the country from the Indians, which now composes the Big Bend of Tennessee, he settled near the line between the Indians, but on the acquired territory. At the period stated in his memorial, in pursuance of the military order issued by General Jackson, then commanding the southern division, to Lieutenant Houston, to remove all intruders and intruders' property from the Indian territory, Lieutenant Houston found the applicant's cattle ranging on the Indian land, and took them with intruders, and carried them to Nashville, delivered them to the marshal, and they were sold by that officer. The applicant has never received a cent for them. Well, it is now said he ought not to be compensated, because the officer committed a trespass, did an unlawful act, and the owner of the cattle taken improperly must resort to the officer. Sir, can this be right? Is it justice? Will you place this poor man in the power of your officers? Or is it not better, under all the circumstances, that the Government should be bound to indemnify him for the injustice inflicted upon him by an illegal act of one of its officers who may have acted in good faith? This bill has been passed by the House of Representatives, and also by the Senate, but at different times; and I cannot doubt but it will now pass, and I hope become a law.

After a few words from Mr. **KING** of Alabama, Mr. **WHITE**, and Mr. **SHEPLEY**,

The bill was ordered to be engrossed for a third reading: Ayes 22, noes 11.

EXPUNGING RESOLUTION.

On motion of Mr. **EWING**, of Ohio, the Senate proceeded to consider the unfinished business, being the expunging resolution offered by Mr. Benton.

Mr. **PORTER**, of Louisiana, rose and addressed the Chair as follows:

Mr. President: I have some diffidence in addressing the Senate on this question. The honorable Senator from Missouri has, with his usual industry, pronounced an elaborate argument in support of the resolution he has offered to the Senate. I suppose it to be the result of long meditation and much preparation. Neither the time allotted me since this discussion commenced, nor the state of my health, has enabled me to give to the question the attention it merits; indeed, such is my indisposition that, were it not for the pledge I in some sort contracted yesterday with the Senate, I should decline addressing it to-day. But unless I have lost all perception of truth, and am utterly mistaken as to its effect, when presented to the mind of others, I cannot be deceived in believing that no want of strength on my part can prevent me from exposing the utter feebleness of the position which the Senator has assumed.

It is not surprising, Mr. President, that great pains should be taken where a heavy responsibility is incurred. I say, sir, a heavy responsibility. The attempt is to deface and destroy the public records of the country; to alter and render obscure the journals of a former Congress, which are now the public property, and with which we have no constitutional concern, except as keepers and preservers. It is more than this—it is an attempt to obliterate the truth. Yes, sir, to obliterate it. For whether the vote of the Senate was or was not correct on the occasion to which the Senator desires to apply his expunging process; whether it was the solemn expression of wise opinion, extorted from Senators under the high obligations of duty, or, as he will have it, the effusion of heated and blind party spirit, still the fact is undoubted that such a vote was given, and the object of the Senator is to have the record of that vote destroyed; that is, to erase the truth from the record. Such a proceeding, sir, is well calculated to excite solemn considerations, and calls for the exercise of every high quality which patriotism can expect at our hands.

Mr. President, it did strike me, while the honorable Senator was speaking, as most remarkable, that he should take such vast pains to show the vote of the Senate was erroneous and unconstitutional in the instance which he has selected for this new process of his. A stranger, sir, entering these halls at the time he was indulging his zeal, and practising his epithets, on the conduct of the Senate which formed a part of the last Congress, would, I am certain, have imagined that there was some provision in the constitution of the country which required a record to be kept of all the proceedings of this body which were constitutional, and forbade any record being kept of those which were in violation of the constitution. But, sir, that instrument may be searched in vain, and no such distinction can be found in it. The only portion which relates to our record makes none. I open it, sir, and what do I see? The imperative mandate "that each House shall keep a record of its proceedings." Well, sir, if its votes and its resolutions are unconstitutional, are they not still its proceedings? and is the obligation less solemn and less binding on us to preserve them? Before, therefore, so much time and so much energy were exhibited in a critical analysis of the nature of these acts, it behooved the Senator to show some authority for expunging proceedings of the character he supposes these to be. Until he did this, all examination into their constitutionality was unnecessary and fruitless.

The constitution, it is clear, cannot be satisfied by the distinction the gentleman has made. Its language is directly, palpably, opposed to it; so, also, sir, is its spirit. It is giving the enlightened framers of that instrument credit, indeed, for little wisdom, to suppose that they contemplated making any difference. The objects sought to be attained by this constitutional injunction were many. They will readily suggest themselves to Senators, and it is unnecessary to enumerate them. Among the most important was the preservation of the evidence of the great public concerns and valuable private interests which depend on the action of Congress. Another scarcely less important object was to secure to the people a record of their servants' acts and votes, so that a correct judgment might be formed of their conduct, and justice dealt to them when their term of service expired. The illustrious men by whom the inestimable charter of our Union was formed knew well that history, which professes to teach, and does teach, by the lights which experience furnishes, would be a false and treacherous guide if it recorded only the good deeds of men. They knew it was of equal importance it should enregister their errors and their vices; and they intended, therefore, that the record which they made provision for should be a beacon to warn as well as a light to allure. What useful knowledge, sir, could any man acquire by the perusal of ancient story, if it presented to him no examples but those which were exhibited by the virtues of antiquity—if it did not show to him the errors and vices and factions by which nations lost their freedom, as well as the simplicity and patriotism by which they established it? None, sir, none. Nor here would our journals be of any value if they did not preserve the evidence of our faults and our follies as faithfully as they do that of our wisdom and our virtues. There is nothing, therefore, in the spirit of our constitution, any more than there is in its letter, which can be tortured into the slightest support of the alarming and dangerous proposition which the Senator proposes for our adoption. I might, therefore, sir, well spare myself the task of following the honorable Senator from Missouri through the labored examination which he has made of the vote of the Senate in the year 1834, in relation to the removal of the deposites by the President, or of noticing the heated and exaggerated picture he has drawn of the motives of those by whom it was given. Such discussion can have no profitable effect on the naked question as to the power of the Senate to alter and deface the public record. It may, it is true, increase party spirit, and flush it to the perpetration of an act which, in my conscience and on my honor, I believe will hereafter (when reason resumes its sway) be a source of deep mortification to all who now participate in it;

but it can do nothing more. However, sir, some of the assertions and reasonings of the honorable Senator, in this part of his speech to the Senate, ought not to pass entirely unnoticed, and I may, perhaps, speak a little to a few of them before I sit down. My present purpose, however, is with the merits of the question; and leaving to the honorable Senator, for a time, the banks, and the panic, and the panic makers, and President Jackson, and his glory, and the old federalists—who, by the way, if they have joined the present administration, are all transmuted into pure democrats of the old school—I shall proceed to discuss the subject upon these considerations, and these alone, by which, in my view of the matter, a correct conclusion can be obtained.

And proceeding to do so, sir, I find it written in the fifth section of the first article of the constitution, that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." Now, sir, the first question that suggests itself in the inquiry is, what is meant by the words "keep a journal of its proceedings?" To that question I know of but one answer that can be given; and it is that which instantly suggests itself to every one, learned and unlearned, who reads them, namely, that each House should record its proceedings, and preserve the record so made. If this be not the true meaning, I know not what answer can be given. No other will satisfy the object contemplated by the constitution; for, without recording, there would be no journal, and, without preserving, the journal would not be kept. The honorable Senator has not furnished us with his reading of this clause. He has, to be sure, talked, and talked correctly, of a variety of meanings which belong to the word *keep*, but, viewed in any other light than as a handsome exercise of ingenuity, I could not see what practical result was to be attained from the disquisition; for, after all, he failed to tell us what meaning he precisely attached to the expressions *keep a journal*. In this, sir, he did wisely. They have one, and one only, meaning, in the common sense of all mankind. They have never had any other in England, or in Scotland, or in Ireland, nor in any of the twenty-four sovereignties which compose this Union. The understanding of them has been uniform, whether applied to courts of justice or to legislative bodies. *The House shall keep a journal, the Clerk shall keep a record*, in all times, and in all countries where the language prevails, have been understood to write down what is done, and to preserve what is written. The expression, it is true, is idiomatic, but, for that very reason, is the sense unembarrassed and perfect. It never was questioned nor denied until the honorable Senator, in this rash attempt, found it necessary to perplex and mystify what, until now, every one considered clear and intelligible.

If, then, Mr. President, the plain meaning of the words "keep a journal of its proceedings" be that the Senate shall cause a record of its proceedings to be made, and preserve them, is there an impartial man who can doubt or deny that the resolution offered by the Senator is a manifest violation of the constitution? I think there is not; for the effect of that resolution will not be to preserve, but to destroy. Does it make any difference that only a part of these proceedings, not the whole, is to be blotted, or obscured, or defaced? It makes none. The injunction is, that you shall keep a journal of your proceedings; and if you deface any the smallest portion of them, what remains is not a journal of the proceedings, but of a part of them; and this, I contend, is not a compliance with the constitution. Under such construction of it, if you strike out 999 parts out of 1,000, you might just as truly say you were keeping a journal of the proceedings.

If this reasoning be unsound, I trust gentlemen who follow in the debate will prove it to be so. I am sure there is ingenuity enough here to do it, if it can be done. I hope they will show us how a part of a journal is the whole: and, when they have done so, I will suggest to them that they will then have to explain to the public mind, and satisfy it, how destroying a record is obeying a mandate which requires you to preserve it. This, sir, I am aware, they will find no easy task. Until it is done, permit me, in the belief that what I have advanced is true, to follow this measure out to its legitimate, I might add, its inevitable consequences. Upon the principle, then, involved in the resolution offered by the honorable Senator, I affirm the whole journal of the proceedings of the Legislature is completely placed at the mercy of a majority of either House of Congress. The solemn and authentic record of the great public measures which may occupy its deliberations, the equally sacred register on which private rights depend, may be struck out in an instant by the fury of a triumphant faction, the promptings of sordid cupidity, or the fears of conscience-stricken profligacy. And let us not, sir, flatter ourselves that the time will not come when these things will be done. He knows little of the causes of decay and dissolution which exist at the creation of every thing which our imperfect nature produces, and which expand and gather force with age, who can doubt it. I hope the day is distant, but we do but accelerate it, sir, when we cut ourselves adrift from the constitution.

But, says the honorable Senator, all this is special pleading. The word "keep" has thirty-six meanings in the dictionary, and you have no right to take one of these meanings alone. We have just as much right to select our meaning for the word from any of its various significations. This, sir, is rather a new, and certainly a very independent way of interpreting a constitutional or legal provision. But let that pass for a moment, and permit me to say that, by the terms special pleading, the Senator means refining, hair-splitting; there never was any thing more gratuitous said here. On the contrary, sir, we rely on the plain common-sense meaning of the expression; upon that sense in which the words are understood by every one the most slightly educated through the whole republic. We contend for the signification which the terms have every where and in all times received. If we left them for new meanings, to suit extraordinary occasions, as the honorable Senator is doing, we would be open to the reproach, as he justly is. I charge it upon him, sir, and I shall make the charge good. He has departed from the usual signification, and substituted niceties and refinements for the general and popular use of the words, and, in doing so, has violated a rule of construction as universal as it is sound, and which it would be a reproach to the Senator if he was not familiar with before he was three months in the office where he received his legal education.

Recurring, then, sir, to the word *keep*, and its thirty-six meanings, I have to say, sir, that nothing can be more true than that the verb has a variety of senses; but does that prove that it has not one known unquestionable signification when used as it is in the constitution of the United States? Certainly not. Sir, let the gentleman apply any one of the various meanings of this word to be found in books of philology, save that which we contend for, to the terms *keep a journal*, and I will venture to say the utter absurdity in which the process must end will convince even him how vain, futile, and dangerous, it is to depart from the popular understanding of the matter. No doubt, as the honorable Senator says, *keeping a door, keeping house*, and *keeping a store*, do not mean the same thing. The meaning varies with the object to which the verb is applied. But, in these cases, the idiomatic sense supplies the necessity of all reference to dictionaries; it is perfectly comprehended by every one, and supposes that which is done, or necessary to be done, in keeping a door, keeping house, or keeping a store. It would be a waste of time for me to explain them; they explain themselves more forcibly than I could by any other words. Verbs and adjectives, in all languages, vary in their meaning by the objects to which they are applied, the latter sometimes by their position in relation to the noun. For example, the appellation *envoy extraordinary*, has a clear and specific signification; transpose the words, however, and say, an *extraordinary envoy*, and they present quite another idea. Well, sir, what would you say to any one who would rise, here or elsewhere, and contend that, as the dictionaries of our language declared that the adjective *extraordinary* signified *remarkable, wonderful*, the expression *envoy extraordinary* conveyed the idea that a *wonderful envoy* had been sent to our country? Not less extravagant, I contend, sir, is it to depart from the common-sense meaning which is given to the verb *keep* in all the varieties in which it is used.

Many, sir, (said Mr P.,) as are the uses which are made of it, I am not aware that it has two meanings in its application to any one object. The thing to which it is applied controls and fixes its sense, as in the terms *keep a promise, keep a journal, keep a horse.* All these have popular and known significations, from which you cannot depart without falling into conclusions absurd and untrue. Let us take, by way of illustration, the expression *keep a horse.* We will suppose the Senator to have delivered his to a livery stable *to be kept.* He calls for him some time after, and the owner of the stable tells him that the animal has perished for want of food. Reproach instantly follows this breach of engagement, and it would not be appeased, I hazard nothing in saying, by the keeper showing the honorable gentleman that, according to Webster's or any other dictionary, the verb *keep* has a variety of senses, and that one of them perfectly justified him in his notion that he was not obliged to give the horse food. Sir, I will venture to affirm that the Senator would consider this perfect special pleading. So, sir, if he gave a friend a bundle of papers *to keep*, and, when he called for the deposite, should be told that, according to the best philologists, *keep*, among its thirty-six significations, meant to supply with the necessaries of life, and, finding the book refuse all sustenance, he had thrown it away as utterly incorrigible, would not the honorable Senator consider the excuse for non-delivery a great refinement! So, too, sir, if some thirty years since, when the Senator from Missouri and myself first became acquainted on the banks of the Shawanee, (whose beautiful Indian appellation is lost in the prosaic one of Cumberland,) a lock of hair had been bestowed on him by lady's love, *to be kept* until they again met, and, on her calling for the dear pledge, he had informed her that his promise to keep did not bind him to preserve, because one of the meanings of the word was to pasture; would she not, sir, have considered the gentleman more learned than true—a gay deceiver—and a great hair-splitter? And so, sir, when the Senator contends that the constitutional injunction *to keep a journal* means that you may destroy a part of it, I say to him that he can only reach such a conclusion by special pleading, by refining, by hair-splitting, or by abandoning common sense, and trampling the constitution under foot.

No human ingenuity, sir, can sustain the proposition the Senator advances. I know there is scarcely any thing in favor of which something plausible may not be advanced; and the gentleman, I admit, has made the most of his case. But no covering he may throw over the constitution can hide the wound he inflicts on it. The honorable Senator, under his heated feelings, may consider his case as made out; I do not say he does not so consider it. But those who look calmly at the thing will see nothing but excuses where he finds reasons. They who are anxious for the violation (I do not say there are any such in this body) may be glad to have these excuses furnished to them. But time, and the silent monitor within, will do their work, and they will live to see the day when the shout of party triumph will bring no joy; when they will be compelled to look for consolation in the repentance which ever follows the conviction of wrong committed. I hope they will have that consolation, sir; God forbid they should not.

But the honorable Senator has one ready for them now. He says, if I understand his argument correctly, (and if I did not I pray to be set right,) that no practical injury can result from the act. The process by which this consolation is obtained is somewhat curious. The gentleman tells the Senate that there are 1,000 originals of the journal, and that the defacing of that kept by the Secretary leaves all the rest complete. Well, sir, admit the position to be correct, and what then? Does that furnish any argument in favor of disfiguring one of them? Whether there be many or few originals, are they not all equally under the protection of the constitution? If so many are to be kept as a record of our proceedings, is it not indispensable they should all be true records? Did the constitution contemplate that some of our journals should exhibit a faithful record of our proceedings, and others should not? Or am I to understand the honorable Senator that enough which are true will remain to correct that which the expunging resolution purposes to falsify? If that be the position, I leave to him and his friends all the advantage they can derive from the argument.

But, sir, I pray leave to enter my utter dissent to the proposition that we have one thousand originals of our journals. We have only one original, sir; that which is made up by our Secretary, read over to us, sanctioned by the approval of this body, and placed among the archives of the Senate. It is that, and that alone, which forms the record of our proceedings, and furnishes the original, from which transcripts become evidence elsewhere. The originals of which the Senator speaks are not even copies; they are but the copies of a copy furnished by our Secretary to the printer. I am aware of the decisions of courts, which the Senator from Missouri has quoted, on the admissibility of these printed copies as evidence. It is not my purpose to go into a critical investigation of the soundness of the doctrine by which such a rule has been established. I content myself with saying that these cases do not proceed on the principle that the printed journals are originals; they go on the supposition that they are true copies. In giving them even this character, the tribunals of justice have gone very far, and the cases in which they have been received are of modern date, and of somewhat doubtful authority. They have been, as it were, extorted from the courts by the great convenience of the practice, and from a strong, and, in general, a well-founded belief that they are faithful transcripts. But at the utmost they are nothing more than *prima facie* evidence, and, if contradicted by the original in writing, of which I have spoken, they must instantly yield to the higher authenticity which belongs to it. To all acquainted with this subject it must be apparent that the whole matter exhibits a great relaxation of the salutary rule, that the best evidence the nature of the case will admit of must be produced. But be this as it may, the doctrine gives no sanction to the idea that these printed journals are originals. And admitting it to be sound and correct, it by no means supports the proposition that the original is not to be preserved with care and fidelity.

We have been referred, Mr. President, to the practice of the Parliament of Great Britain on matters of this kind. It is stated that that country has a constitution, as ours has; that our parliamentary proceedings were borrowed from, and have a reference to, theirs, and that we are in the daily habit of referring to parliamentary rules and parliamentary practice as our guide. From these facts the conclusion is drawn, that every power which they may exercise we can also exercise. I believe this is a faithful summary of what the honorable Senator advanced on this branch of the subject, and I take occasion to say that it all has my entire assent, save the conclusion which he has drawn. That conclusion, too, would be sound enough from his premises, but it is incorrect, because the Senator left out one important and controlling postulate which belongs to the question, and which I shall immediately notice.

It is the constitutional provision which we have on the subject that makes all the difference for which I contend. Were it not for it, the rule referred to by the Senator, that the power to expunge from its journals any offensive matter found in them was inherent in every legislative body, could not be contested. But it is obvious that a rule must be subject to the exception, provided the legislative body itself has not rules prescribed for its government, by a higher authority, inconsistent with the exercise of such a power. That such is the case here I affirm, and it is this circumstance which takes away all force from British precedents when applied, in a case of this kind, to the proceeding of an American Congress.

Great Britain, Mr. President, does not possess, as we do, a written constitution. The great principles of civil and political freedom are, it is true, found in magna charta, and her bill of rights, put forward at the revolution of 1688. But even they do not form a constitutional charter which places them beyond the control of acts of Parliament. And we must look to all these to ascertain what constitutional provisions exist in England controlling the rules of the two Houses of Parliament in regard to their own proceedings. I have looked into all these, sir, and I do not find in any them a single provision prescribing rules on this subject to either House of Parliament. The matter is left entirely to the discretion and control of each body. It follows, therefore, that the inherent right which exists, I admit, in every legislative assembly, to regulate its own proceedings, flourishes in full force there. To the possession and exercise of that power alone is the practice of expunging to be referred. Wholly unchecked by constitutional restrictions, they exert it as they please, without stint and without control. They are under no constitutional obligation to keep any journal; unless as a matter of convenience, I suppose they would not keep any. With such absolute power over the whole of the journal, they are of course complete masters over every part of it. They may expunge as they please, or preserve, or not preserve, as they choose. But how stands the case with us? Have we a discretion on this matter? Can we dispense with keeping a journal? And if we cannot dispense with recording our procedings, how can we dispense with a portion of them? Let the clause of the constitution already cited answer these questions; and after gentlemen have pondered on it, let them see what authority they can derive from the parliamentary practice of England to justify the attempt to deface and render obscure the constitutional record of this House.

In connexion with this branch of the subject, sir, let me refer for one moment to that part of the constitution of the United States which declares that the yeas and nays shall, at the request of one fifth of the members present, be entered on the journals. No such rule as this is found in the *Lex Parliamentaria* of England. No doubt either House might adopt it if they chose. But if they did, could any examples of theirs, by which it was refused in a particular instance, dispense us with the obligation to have the entry made in all? Surely not; and therefore I do not see why, without any constitutional obligation to keep a journal in that country, their precedents can enlighten us as to our duties here. By the way, sir, I should like to be informed whether, by this expunging process, the yeas and nays can also be erased from your journal, and the members of this body deprived of their constitutional right to have their names recorded and their opinions registered on all measures on which they vote. I suppose such a principle will be scarcely contended for; the violation would be too palpable. And as there are no English precedents to close the gap which such an act would make in the constitution, it will hardly be thought of. Well, sir, if the yeas and nays cannot be expunged from your journal, what becomes of this constitutional privilege, alike important to the constituent and the representative, by which the record of his vote is to be preserved—a record which will show the names, but give no information on what subject they were recorded? The whole proceeding, sir, offers a fine commentary on the value of constitutional barriers, in restraining the passions of party in a free Government.

It is, however, said that our rules of proceedings are in a great measure taken from those of the English Parliament, or were made in reference to them, and that we are in the daily habit of referring to them as a guide in cases new and unprovided for. True, sir; but does not the honorable Senator see, in this very circumstance, a very strong, if not the strongest, reason against the introduction of English rules on this question of expunging? These British rules were once, sir, not only referred to in this country, but they formed the law for the government of our colonial Legislatures before the Revolution. The great men, sir, who formed the constitution of this country knew this perfectly well. They were also quite familiar with every thing in the history of the English Parliament in relation to expunging, and they knew better than I do, and quite as well as the honorable Senator from Missouri, the right on which the keeping of a journal stood there; its limitations and its extent. Now, sir, I ask, if it had been their intention to leave that power at the discretion of the American Congress, why introduce any rules at all into our constitution on this matter? Why not leave this part of parliamentary practice to the control of the Legislature, as they left all the rest? It must strike every one, sir, on reading the federal constitution, as most remarkable, that in an instrument of that kind, in which nothing is looked for but general provisions, we should find such special enactments on the subject; nothing left to discretion. But that surprise, sir, readily yields to a little reflection, and the value of the clauses in question is seen. The men by whom the great charter of our Union was formed came from the school of the Revolution, so fertile of talent and of virtue. They were profoundly acquainted with all the causes by which free institutions can be upheld and may be destroyed. They knew that the legislative branch of the Government, from its construction and its powers, if corrupt, was more formidable than all the rest to the liberties of the people. In it they were aware factions must arise and riot. History had taught them how majorities in public assemblies are prone to trample on the rights of minorities. It was deemed, therefore, of the highest importance to secure, as far as possible, a record of all the acts of the representative, and to give publicity to them, so that the people might know what each member did, and what he did not do. They wished to place before the traitor who is false to his duty here, the certainty that his evil deeds could not be concealed while living, and that an authentic record would carry down to the latest posterity his loathsome memory. Hence they determined that he should neither falsify the record of what he did, nor deprive his opponents of the evidence of their opposition to him. These were the reasons which induced the framers of the constitution to make your journals sacred. And you do violate as holy ground as any the constitution covers, when you lay your hands on them, and blot and deface them. If these considerations are entitled to the weight I think justly due to them, with what semblance of justice can it be urged that these matters are to be regulated by English parliamentary practice? The introduction of any rules on the subject into the constitution excludes such an idea; and the rules themselves, inconsistent with those prevailing in England, forbid any such conclusion.

Let us, however, sir, follow this matter a little further. If, as the honorable member says, we are to be governed by the English practice on the subject of expunging, I presume we must take that practice entire; we are not at liberty to introduce one part of it and reject another. There is certainly no rule in our body which prescribes how it is to be done; we must, therefore, imitate the parliamentary precedents throughout. Now, if I understand the precedents right, they establish the principle that, whenever the parliamentary proceedings infringe on the rights, real or supposed, of the Executive Chief Magistrate, he sends for the journals, or comes to the House, and strikes out the offensive matter with his own hand. When, on the contrary, the powers of the body on legislative matters are impugned by the vote, order, or resolution, or are improperly exercised, the erasure is made by an officer, under the order of the House. Such appears to be the practice there, and if it is to govern us here, let us have it in its purity. The resolution, therefore, proposed by the Senator, is entirely gratuitous; the thing can be done, and, strictly speaking, ought to be done, without any action on our part. The President himself, according to the excellent rules of Parliament which the gentleman recommends to our adoption, has the right to send for our journals, and make such correction in them as he thinks fit. That Senators may see I am not mistaken on this subject, I beg leave to quote to them the following illustrious precedent, derived from the act of the renowned and sapient King James the first, of blessed memory.

The House of Commons in England, sir, at the time when their glorious contest between the prerogative of the Crown and the rights of the people was about to commence, passed the following resolution:

"The Commons now assembled in Parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges of Parliament, amongst others here mentioned, do make this protestation following: that the liberties, franchises, and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the urgent and arduous affairs concerning the king, state, and defence of the realm, and of the church of England, and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament; and that, in the handling and proceeding of those businesses, every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same, and that the Commons, in Parliament, have like liberty and freedom to treat of these matters, in such order as, in their judgment, shall seem fittest; and that every member of the said House hath like freedom from all impeachment, imprisonment, and molestation, (other than by censure of the House itself,) for or concerning any speaking, reasoning, or declaring of any matter or matters, touching the Parliament or Parliament business. And that, if any of the said members be complained of, and questioned for any thing done or said in Parliament, the same is to be shown to the king, by the advice and consent of all the Commons, assembled in Parliament, before the king give credence to any private information."

The sovereign just alluded to, sir, on learning this audacious avowal of right on the part of the Commons, was extremely indignant; he dissolved the body, and, calling for the journals, struck out the resolution with his own hand.

Now, sir, I propose that we shall, in all things, conform to the right royal precedent. Let there be no half-way work. Let us carry out the glorious example in all its length, breadth, and proportions.

If, however, the honorable Senator will not go the whole, I recommend to him to come as near to it as he can, and I humbly submit to him, whether he had not better so amend, or rather so modify, his resolution that we may invite the President of the United States to visit this body, and be himself the instrument by which this stain on our proceedings should be removed. I would propose such an amendment myself; but, as I would be compelled to vote against the resolution even so amended, I am afraid it would not be courteous to adopt such a course. But I again recommend to the honorable Senator to think of the matter, and give his proceeding the shape I propose. The Senator, I see, signifies his dissent, and I fear we must swallow the dose as he has prepared it; but hoping that my suggestion might be favorably received, I had this morning, before coming here, carried out the whole scene in my own mind.

I had imagined, sir, the Senate convened; the members in their seats; our faithful Secretary at his post. The approach of the President is announced. Immediately our Sergeant-at-arms, a very grave and discreet person, who each day so clearly and audibly announces, "Message from the House of Representatives," &c., takes his station at the door, and, in a distinct and firm tone, cries out, "The President of the United States." He enters. We rise from our seats, joy glistening in the eyes of his friends, dismay pictured on the countenances of his opponents. He traverses the room with a firm step and dignified air. You rise from your seat, sir, and receive him with that grace and urbanity which so eminently distinguish you--you salute him with affectionate complacence. He answers your salutation with kindness and dignity. All eyes are fixed on you and him; and, more favored than other mortals, our vision is blessed at the same moment with the setting and the rising sun.

The preliminaries of reception passed over, and the bustle attending it terminated, a solemn silence prevails. You slowly rise from your seat—the President does the same. You pause for a moment, and cannot conceal the emotions which the affecting scene gives rise to; you are, however, at last composed, and you address the President in these words:

"Sire: The Senate of the United States have imposed on me the most agreeable duty of announcing to you the object which has induced them to request your presence in their chamber. Deeply impressed with the value of your services in the field and the cabinet; convinced that, under Divine Providence, you have rendered more services to mankind 'than any other mortal who has ever lived in the tide of times,'* they are anxious to show their devotion to your person, and their sensibility to your fame. It is with grief they are under the necessity of saying that there is found on their journal a resolution of this body, which is unworthy of them and of you. That resolution declares that the Senate differ in opinion with you on the lawfulness and constitutionality of one of your public acts—a declaration, sir, which they had no authority to make, and which is untrue, inasmuch as it dissents from the opinion of you, the wisest and the best. The Senate have resolved that it shall be expunged from their journals, as a warning to posterity that this branch of the Legislature shall, in all time hereafter, keep within its constitutional powers, and express no opinion on any act of the Chief Magistrate. The Senate have considered, sir, that it would be more grateful to you, and more conformable to precedents drawn from the purest periods of British history, that you should expunge this odious resolution with your own hand. The manner in which the expurgation should be effected is left entirely to your discretion. To erase the resolution, by drawing black lines around it, is the mode preferred by many of your friends, and particularly by that distinguished and high-minded body, the Virginia Legislature. I present you, sir, this pen, that it may, in your own hand, avenge your wrongs, and shall only further say, sir, that this is the happiest and proudest moment of my life. It is glory enough for any one man!"

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* Vide Mr. BENTON's speech.—*Note by Mr. P.*

Sir, I had also run out the gracious answer which the President would have made to this loyal and affectionate address, but I felt I was treading on ground which I could not approach, and I therefore abandoned it.

Sir, I think it scarcely kind of the Senator from Missouri to deprive the world of the interesting ceremony, so royal in its precedent, and so valuable in the support which the example would afford to the cause of freedom and legislative independence. I hope he will yet reconsider the matter, and, if we are to have the process applied to our journals, give us the pure, unadulterated English practice on the subject.

But, sir, I must leave these pleasant contemplations, and return to the argument. And, sir, I contend that, even admitting all the reasoning offered in support of the resolution proposed, still we have no authority to do the act which the Senate is called on to do, because the journal which it is proposed to blot and deface is not our journal, but that of a former Congress. I think I have conclusively shown that we have no power over our own journal after it is made up; and I am not to be understood as in any respect abandoning the ground assumed in relation to it. But all the reasoning which established that proposition acquires an increased force when brought to bear on the present question. Some embarrassment is created in the mind, on the first view of this matter, from an idea which commonly prevails, of the Senate being a permanent body, and that its journals, from its creation up to this time, belong to it in that character. But, sir, it is evident this position is only true when applied to the Senate in its executive capacity. In discharging its legislative functions, it has a limited existence. It can only act for two years at a time, and at the end of that period, which terminates a Congress, its legislative powers terminate, as those of the House of Representatives do. When it meets a House of Representatives whose whole number is newly elected, it meets that body with the one third of its members also newly elected, and both form a new Congress, and are not a continuation of the preceding one. The longer term of service of the Senators does not affect the duration of the Legislature to which they are deputed, nor destroy its distinctive character. They are members of several Congresses, but several Congresses do not enter into and merge in a continuous Senate. The constitution of the United States vests the national legislative powers in a Congress composed of a Senate and House of Representatives, not in the Senate and House of Representatives. I contend, therefore, sir, that the Senate of the United States stands precisely in the same relation to the legislative journals of a former Congress as the House of Representatives does; and that, if the present House of Representatives has no authority to alter or deface the journal of that branch of the Legislature of the 23d Congress, this body cannot touch the journal of the Senate, which formed a part of it. We are the keepers, sir, not the owners, of the volume which contains the proceedings of that Legislature. Is it possible, sir, the extravagant proposition will be maintained that the journals of the Senate of 1790 belong to the Senate of 1836, and that they have the power to change or obliterate what is written in them, or destroy them altogether, at their pleasure? And yet that proposition must be maintained, to justify the act now proposed to be done. Far from being our property, they are that of the people of the United States; and you have just as much right to order, by a resolution of the Senate, that one of the national frigates should be altered or destroyed, or one of the fortifications of the country dismantled, as you have to touch the records of a former Senate. Did there exist a law of Congress making it a penal offence to alter or deface the journal of either House of Congress, and our Secretary, who might commit this act by your order, should be indicted for it, I deny that he could successfully plead the mandate he received from you as a justification. If he offered such a plea, and it was demurred to, I hazard little in saying that, in case the matter were carried before the Supreme Court of the United States, they would hold he had no valid authority for what he had done.

Mr. PORTER having here become exhausted, a motion was made, and unanimously carried, to postpone the subject under debate.

On resuming his remarks the following day, Mr. P. said: I am quite sensible of and grateful to the Senate for the indulgence which it extended to me yesterday, and I feel that the best return I can make for its kindness is to condense as much as possible what I have further to say on the question now under consideration.

In the observations I had the honor to offer to the Senate yesterday, I touched on all the arguments offered by the Senator from Missouri which related to our power to expunge, save that which he based on a precedent drawn from a former proceeding of this body. Sir, I am free to confess, when the gentleman read the resolution which, by its language, affirms such a power, I never was more struck with astonishment in my life, and it was under the influence of an irresistible curiosity that I asked the Senator the question I did, and not from the intention of interrupting the train of his remarks. He rebuked me for the interruption justly, but gently, and I acquiesced in it. But, sir, when the honorable Senator further told me to beware resting the matter on so small a point, "or I might be blown up," I felt prepared to join issue with him, and to show him that the point is by no means a small one. On the contrary, the inquiry suggested a principle on which the whole value of the case, as a precedent, depends.

If the Senate, in the instance relied on, had determined they possessed the power to expunge from their journal an entry made on it, we should then have had the question submitted, whether any example set by others could authorize us to surrender our clear and conscientious convictions of constitutional obligation. But the case, sir, does not impose any such necessity. What, sir, is its history? It is this: On the last day of a session of Congress, in the year 1806, a petition or memorial was presented from certain persons, then under conviction for offences committed against the laws of the United States. This memorial reflected strongly on the conduct of the Chief Magistrate, and its tenor was entered on the minutes. How long after the entry was made we do not know, but not many hours after, and on the same day in which the petition had been received, a motion was made and carried to expunge it from the journal. This motion prevailed. The confusion and hurry which always attended the transaction of business on the last night Congress sits, accounts fully for the inaccuracy of expression used in the resolution, as there was no journal until the entries made during the day were read over and sanctioned by the approbation of the Senate. Until that approbation is given, the acts of the Secretary are no more than minutes of proceedings, over which the body has complete control; just as, in the same manner, the entries of a clerk of a court made during the day are subject to the revision and correction of the judge, when read the following morning. Had not the Senate been about to adjourn that night, the measure was entirely gratuitous, as the correction could have been made at the commencement of the next day's sitting, when the minutes prepared by the Secretary were read over. It did not, however, sit, and it is probable this method of getting rid of the obnoxious matter was preferred, as it was a period when party run high, and the step taken by the petitioners well calculated to excite the passions which belong to such times. Be this, however, as it may, it is obvious that whatever form the majority chose to give their resolution, their power over the matter was undisputed.

I see, sir, some gentlemen dissent to this position. I consider it, however, perfectly sound. It cannot be, it is not true, that the secretary of a Legislature or the clerk of a court has the right to place any matter he pleases on the minutes of the proceedings; and that neither the judges in the one case, nor the legislative body in the other, have the power to expunge from them what is improperly placed there. It cannot be, it is not true that, if errors are committed by either, they must remain, and cannot be corrected; all practice and all reason are opposed to such a doctrine. But this control over the proceedings, before the journal of the clerk or secretary is made up and sanctioned, is totally different from the right claimed here to change or deface the record after it is complete. The court, during its term, may correct any error into which it has fallen. Its minutes are under its control for the same time. But was it ever heard that it could, at a succeeding one, change, erase from, or add to, the record of its proceedings of a former session? Never, sir. And so, sir, in reason, and on the true principles of the constitution, is the power of this body limited. Its record, once made, becomes sacred; it is the property of the people, was intended for their protection, and you have no right to deface it.

The Senator from Missouri was well aware of this objection to the precedent cited by him, and he endeavored skilfully to evade it by saying that, at all events, we could not deny that it was a complete answer to our argument, which assumed the constitutional duty of this House to record all its proceedings. Here, said he, was a proceeding, and a proceeding not recorded. Sir, this is quite plausible, but, on a close examination, it offers no real difficulty. The question presented in the instance referred to was precisely that we have been debating for nearly two months or more this session, and that is the right of this body to reject a petition. We who were in the minority on the abolition memorials, and who contended for their rejection, urged that we had a right to refuse to consider them, and to deny them any place on our journals. Had we then known of this precedent, we should have quoted it in support of the position we assumed, for by erasing the memorial from the minutes, the then Senate declared that they were under no constitutional obligation to receive it, nor to permit any record of it to be preserved. Well, sir, I think the Senate decided correctly in the case to which I have alluded; but the honorable Senator, and those who voted with him to receive the petitions, will, no doubt, consider the decision of the Senate of 1806 erroneous. If erroneous, it is no authority. If, on the contrary, it was a sound opinion, it establishes what I assert to be the true doctrine, namely, that the Senate have a right to refuse a petition, and are under no obligation to record it. The case cited, therefore, does in no respect conflict with the principles for which we who oppose this resolution contend. All that is decided by it is, that the rejection of a petition is not such a proceeding as should be placed on the journals. But, Mr. President, did it go the whole length for which the honorable Senator introduced it, I could not permit, in a case of this kind, that it should control my actions. In constitutional questions, we are not permitted to surrender our conscience to authority. It ought to have no guide but reason. The precedent in itself contains nothing to challenge approbation. It was done in haste. We have no evidence there was any, we know there could not have been much, debate on it the last night of the session. It was passed by a small majority in a very thin Senate. It was a complete party vote, in high party times. To make such a proceeding decisive of a question of this magnitude would be to place the constitution of the country at the mercy of every faction which by turns may get possession of a majority in Congress.

I have already said, Mr. President, that I do not consider it made the slightest difference in the question before us, whether the resolution of the Senate, which it is proposed to expunge, was constitutional or otherwise. In my judgment the obligation imposed on us to keep a record of it is precisely the same, be its character what it may. The constitution makes no distinction; and where it does not distinguish, we cannot. But as I do not agree with the Senator from Missouri that the Senate, in the instance alluded to, either did injustice to the President, or improperly exercised the powers vested in it, I beg leave to make a few observations on the leading proposition, by which this charge of injustice and assumption of power was supposed to be established. We exercised, it is said, on the occasion complained of, judicial, not legislative power, and we condemned the President of the United States when he was not accused, and we did so without even hearing his defence.

If all this be true, "the head and front of our offending" is certainly very considerable; but I apprehend it requires no very great ability to show that it has no foundation whatever. We did not, sir, on the occasion alluded to, exercise judicial power, and therefore we neither tried nor condemned the President.

Although the legislative, executive, and judicial powers conferred by the constitution of the United States on the Senate be in theory distinct, yet cases are constantly arising in which the action of the body in its several capacities is imperiously demanded on the very same matter. This is inevitable; for as the powers conferred extend to the person who acts as well as the thing which is acted on, it is impossible, in legislating on the one, or in sitting in judgment on the other, to avoid deciding on matters which are common to both. The exercise of judicial authority in one aspect presents an exception to this principle. In the investigation which belongs to it a prominent and controlling inquiry is as to the intention with which the act was committed. An examination of this kind can only be gone into by the Senate when sitting as a court of impeachment; but with this single exception, I maintain that this body, in its legislative and in its executive capacity, can go into an investigation of the legality of acts, and their tendency, just as freely as if no judicial authority was conferred on it. Were it otherwise, its legislative power would be most injuriously abridged, and the executive portion could not be beneficially exercised. Indeed, it is only necessary to have the contrary principle established, and the Chief Magistrate would get a power in his hands which would enable him effectually to put a stop to all legislation on matters in regard to which he thought proper to resort to the exercise of executive authority. But, if I understand the constitution rightly, it was not intended the legislative functions of this body should be placed under the control of any other branch of the Government. My reading of it is, that in the use of them it is not more confined in its sphere, nor less free in its action, than the House of Representatives.

See, Mr. President, to what consequences the contrary doctrine would lead. Congress is almost constantly passing laws which require the exercise of executive authority to carry them into effect; the President construes them according to his judgment, and executes them. The Legislature take the matter into consideration; they think he has assumed a power which the law did not confer, and the exercise of which is injurious to the public interests. A bill is introduced to correct the evil. Is the Senate estopped from acting on it, because, forsooth, it is compelled to look into the construction given by the President of the law, and finds that it differs in opinion from him? Can it extend no remedy for the mischief, because he has done wrong?

In an early period of the federal legislation, an act was passed authorizing the President of the United States to remove from the public lands persons who had settled there without permission. It was intended to operate on that class of persons vulgarly but emphatically called squatters. In the year 1806, I think, Mr. Jefferson enforced this law against a possession which Edward Livingston had of a portion of the batture in front of the city of New Orleans. To this property Mr. L. asserted title under a grant of the French Government to the society of Jesuits. His right was contested by the city of New Orleans and by proprietors of the lots in front of the river, holding under the same grant. It is not necessary to say, if it were easy to do so, which had the better title; it is enough to state that the property did not belong to the United States, and that the act of removal, however good the motives of the President, (and I do not impeach them,) was most illegal, and in its operation oppressive in the extreme. An action was brought against Mr. Jefferson for this act, and the cause dismissed for want of jurisdiction in the court, on the ground that the trespass was committed in Louisiana, and the trespasser lived in Virginia. Now, I ask, sir, if Mr. Livingston had applied, as well he might, to Congress for compensation for the great pecuniary losses which he sustained by this act of the President, could the Senate not have acted on the bill for affording relief, because it must necessarily have decided that the President had done an act, in the language of the resolution of the Senate, "not conferred by the constitution and laws, but in derogation of both?"

If gentlemen on the other side say it could not have acted on such a bill, because it must have decided on a matter which might thereafter come before it on an impeachment for the act, I leave the correctness of the answer to be decided by the American people, without any comment of mine. And if their answer be that it could have constitutionally passed such a law, I inquire what difference there is between deciding that an act of the President was contrary to law, and giving relief for it, and making a declaration to the same effect in the shape of a resolution?

The contest between the present Chief Magistrate and the Bank of the United States is nearer to our own times, and offers an example equally illustrative of the ground I assume. By its charter, the United States engaged to place with it in deposite the public moneys. The President thought he had the power to withdraw them whenever he pleased, and without any cause save his own pleasure. The Senate think differently; and, without stopping to inquire which party is right, I ask, could not a bill have been constitutionally passed here to compel them to be replaced, because, in our opinion, they had been illegally, and, consequently, unconstitutionally removed? I suppose it will hardly be contended it could not. If it could, have we not the power to declare the illegality, by a resolution, in the hope that it will induce the Chief Magistrate to reconsider his act and restore the deposites? It requires sharper optics than mine, Mr. President, to see the difference.

We need not stop here, sir. Let us follow this matter into the exercise of that executive power which the constitution has conferred on us. Individuals, while holding high offices, are sometimes nominated to the Senate for others. The manner in which they have discharged their duties in the places filled by them is often and of necessity a matter of rigid and severe inquiry. Acts have to be sifted and examined, and a judgment formed on them, to enable us to decide whether it is proper to give our consent to the nominee occupying a high station. The investigation must, therefore, be often carried to actions which, if committed with a bad motive, might subject the officer to impeachment. Such a case, sir, has occurred; and our authority and bounden duty to go into such inquiries has never, as I know, been questioned, although it is manifest the same matters, in relation to the same person, may come before us in a judicial capacity.

Sir, this limitation, which now, for the first time in our history, is attempted to be placed on the legislative power of the Senate, is a pregnant sign of the prevailing notions of the day. The duties which this body has to perform, in the capacity in which it passed this resolution, are just as important and as sacred as those belonging to it in its judicial or executive character. With the opinions entertained by its members, they could not, without sacrificing their conscience at the shrines of ease and expediency, have refrained from the declaration they made in relation to the conduct of the Executive in removing the deposites. That measure filled them with a profound, and, I will add, a just alarm. In their view of the matter, they saw a great assumption of power on the part of the Chief Magistrate, and they could not be blind to the fact, that the tendency of public opinion was, and, I am sorry to say, still is, to surrender all authority into the hands of the Executive: to look to him, and to him only, as an index which is to point to what is useful and what is honorable in policy and in legislation. Had they consulted their own convenience, their course was plain; it was to bow to the storm, and trust that, when a less popular man was at the head of the Government, the healthy action of all its several departments would be restored. But they took lessons from a purer source, and, I trust, a higher wisdom. Experience had taught them that in free Governments dangerous precedents are always set by popular men; because it is they and they only who can create a delusion which will permit them to be set. They knew with what fatal effect this example would be cited in aftertimes as a justification of still greater stretches of authority; and they determined, at all hazards, to resist it to the utmost of their ability. For one, sir, I rejoice that they did so; the gratitude of their country awaits them; and posterity will do that justice to their acts and their motives which party spirit now refuses to award to them. Far too humble myself to connect history with my name, I fondly indulge the hope that the position I occupied at that moment will attach me in some degree to it, as one of those who stood manfully in the breach in the unequal battle which was fought for the constitution. I desire no higher praise, and would ask no prouder epitaph to be engraven on my tomb.

We have been required, sir, in this debate, to toe the mark, and the hope has been expressed that, after having denounced the President during the session of 1834, stigmatized his conduct, and misrepresented his actions, we will not now take shelter under the defence that we did not mean to impute bad motives to his acts, and merely intended to express an abstract opinion on the lawfulness of his acts. This hope, Mr. President, so far as I am concerned, I am fully prepared to gratify. I am ready to come up to the line I advanced to them, and defend it. And I say, sir, that, during the whole of that debate, I do not recollect any charge of corruption or intentional violation of the constitution charged on the President of the United States. His acts removing the deposites, and displacing the Secretary of the Treasury, were denounced, it is true, and in strong terms; the unlawful assumption of authority was exposed in every point of view in which it was susceptible, and the pernicious tendency of the precedent set was painted in vivid colors. This is my recollection of the debate, sir. I do not pretend to say that, in the heat of it, expressions of another kind may not have casually dropped, but such was its general tenor, and I have no remembrance of its being carried further. As to my own opinions, I can speak with great exactness, for I think now of the whole matter precisely as I thought then. I did not then believe, and I do not now believe, that the Chief Magistrate was impelled by any corrupt motive, or that he thought, when committing those acts we found fault with, that he was violating the constitution and laws; and the little I said on the subject, for I was then a new member here, distinctly expressed this conviction.

But, sir, I considered the conduct of the President wrong. I believed that neither the constitution nor the law authorized him to interfere as he did with the public treasury, and, so thinking, I did not hesitate to say so, and sustain my opinions by my vote. The thought never crossed my mind that I was prejudging his case, if he had been impeached; nor can I now see the slightest reason for alleging that I did. And I cannot help, sir, remarking that they who press such an idea pay a poor compliment to the President, when they contend that whoever differs with him in opinion as to the legality of his acts, necessarily ascribe to him bad motives for them, and decide the question of guilt, which we would have to try if we were in the exercise of our judicial functions.

But, sir, when the Senator from Missouri was about to bring forward this motion for expunging, I marvel he did not carry his attention to another resolution which is to be found on the journals of the Senate, and which, according to the doctrines he labors to establish, is in as great a degree a violation of the constitution as that selected by him. I allude to that passed by this body in relation to the late Postmaster General, (Mr. Barry,) at the close of the session of 1834. That the Senate may see the perfect analogy between the two cases, I shall bring them in juxtaposition. That which relates to the President is in these words:

"*Resolved,* That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

That which regarded Mr. Barry is as follows:

"*Resolved,* That it is proved and admitted that large sums of money have been borrowed at different banks by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster are illegal and void."

Now, sir, I cannot see any the slightest difference between these cases, and I defy the most subtle intellect to show him they can be distinguished from each other. And, sir, on examining the vote given on that case, we do not find it was a party vote. Far from it; it was the unanimous voice of the Senate, and the vote of the Senator from Missouri stands recorded among the number. Well, sir, may I not ask, if it was a violation of the constitution of the United States to vote that General Jackson had exercised a power not conferred on him by law, was it not an equal violation of it to vote that Mr. Barry had acted contrary to law? Do the names make any difference? Or is it that the action which is constitutional in regard to a Postmaster General becomes a heinous offence when committed against one clothed with the power and upheld by the popularity of the President of the United States? I trust not. But still it is left to gentlemen who are now prepared to expunge this resolution because it prejudges General Jackson, to explain why they voted for that against Mr. Barry, which equally prejudged him. They must also explain why they leave the latter resolution untouched on the journals, and expunge the former. Is it because they voted for that against the Postmaster that it is sacred? or has slow repentance not yet reached them? Sir, it has been said that the most ignorant man may ask a question which the wisest cannot answer; and I apprehend they will find themselves pretty much in that condition in relation to these interrogatories.

The Senator from Missouri, however, who takes time by the forelock, has anticipated this objection, and has given his explanation. He says the vote was forced on him, and finding himself compelled to act in this unconstitutional way, he conceived that he was in no respect sanctioning the course which the Senate pursued; that a negative vote would have admitted the jurisdiction just as much as an affirmative one. Without in the slightest respect impugning the sincerity of this declaration, and giving it full effect, I must still remark that though it may sustain the consistency of the Senator, it still leaves the precedent in all its original force, as the construction of laws, or the deductions to be made from the acts of legislative bodies, can be in no respect affected by the declarations of individual members of their views or motives in concurring in them. And I must also say, that I should think it is a very good reason to vote against a resolution or law, that I believed it to be unconstitutional. But be this as it may, it only explains the vote of the Senator, and we have the sanction of all the rest of his friends for the constitutionality of our proceeding. And at all events it is no justification for permitting the resolution in regard to Mr. Barry to remain, and expunging that relating to the President. If either is to be effaced from our journal, I hope both will. If justice requires this act, let it be extended to the memory of him who has passed hence to another and better world, as well as to him who remains among us. Let the bounty of the honorable Senator extend to all similarly situated. I trust he will recollect

> "That the selfsame sun which shines upon a court
> Hides not his visage from the cottage."

I think, Mr. President, I have shown that the constitution of the country will be violated if we adopt the resolution of the honorable Senator, and I hope I have satisfactorily answered the principal reasons presented by him in support of it.

The remaining portion of the honorable Senator's speech was devoted to two subjects: a panegyric on General Jackson, and a vituperation of the late Bank of the United States. The relevancy of either or both these matters to the question now before us, he will excuse me for saying is not exactly seen by me, and I might well pass them by; but a few observations, before I close, on some of the topics he advanced, will, I trust, be pardoned.

And first, sir, as to the praises which the Senator has dealt out with such an overflowing hand to the President, I have to say that I find no fault with them. They proceed, no doubt, from the strong partiality which the gentleman from Missouri feels for their object, and his friendship and the modes he takes to manifest it are matters entirely personal to himself. It would be the less excusable in me to complain of this failing, as it is one which I share largely in myself. In spite of every thing I can do, sir, I find the utmost difficulty in seeing faults in those to whom I am attached. My self-love gets interested in sustaining them in my own opinion, and it is dexterous in palliating their weaknesses, and magnifying their virtues. With the perfect consciousness of this tendency of my own nature, I can make great allowance for what I consider the extravagant praise which the Senator has bestowed on the present Chief Magistrate. But, after making all concessions of this kind, I cannot help thinking the gentleman from Missouri has pushed the matter a little too far; that he has even stretched beyond its due extent the old maxim,

> "Lay it on thick, and some will stick."

It is, perhaps, rash in me, sir, to say so. Sir, the honorable Senator is skilled in matters of this kind, but I just submit to him whether he did not set all the laws of probability (at least) at defiance, when he said that "General Jackson had rendered more benefit to mankind than all the politicians that ever existed."

[Mr. BENTON here said he had been misunderstood; that he said "all the hack politicians who had ever lived."]

Mr. PORTER continued. If, sir, the Senator so limited his remark, I do not gainsay it. On the contrary, it has my entire assent. There is no class of men for whom I have a more thorough contempt—no, sir, not my contempt, they are not worthy of it—there are no men for whom I have a more intense pity, than I have for those who come under the denomination of hack politicians. They are a miserable race, generally lost to all honor, truth, and patriotism, who sell themselves for office, and, when they obtain it, use place and station to plunder more successfully the people they have deceived. With such men, sir, I would not compare General Jackson for a moment; but, sir, I think, on reflection, the Senator from Missouri will see that I was not mistaken, and that, in the warmth of his eulogium, he did carry his comparison to the extent I have stated. Such are my notes of his speech. [Here Mr. BENTON said the Senator from Louisiana might so understand his remarks.] Well, sir, with that permission, I proceed to comment on the compliment paid to the President; and, looking back, I find that Solon was a politician, Aristides was a politician, Pericles was a politician, Cicero was a politician, John Hampden (a name never to be mentioned in a temple of freedom without reverence and gratitude) was a politician; Lord Chatham was a politician; John Hancock, Benjamin Franklin, and Thomas Jefferson, were politicians. And, sir, with these names come a crowd of recollections which force me to think that Solon, and Aristides, and Pericles, and Cicero, and John Hampden, and Lord Chatham, and Hancock, and Jefferson, and Franklin, taken altogether, have rendered just as much service to mankind as General Jackson, and a little more.

Sir, in making these remarks, I am not to be understood as wishing to detract from the reputation of the President. He has many qualities I respect; and he has rendered important services to his country. No one, sir, admires more than I do his indomitable will, strong native sagacity, and that almost sublime energy with which he pursues and generally attains his purpose. I appreciate, too, sir, at its just value the unshaken attachment he displays to his friends, though the virtue be, as I admit it is, more fitted for the ornament of private than of public life. But close alongside of these strong points of character lie defects which I fear will be painfully felt, and long seen in their untoward influence on public prosperity. But this is an ungrateful theme, which I have no desire to pursue, and I return to the remaining portion of the subject.

I am sure the Senate will pardon me for not following the argument I am replying to, through the minute examination given by it to the affairs of the United States Bank. I see no use in warring with the dead. The party in power have destroyed the bank on their responsibility, and I leave to them the pleasure and advantages of a *post mortem* examination. I shall not assist at it. If I had the wish to do so, I have not the knowledge to enable me to meet the Senator on so intricate and confused a field. He has, with great industry, made himself master of a variety of facts of which I have no knowledge, still less of those by which his statements might be explained, or the incorrectness of the views he has taken exhibited. Indeed, such is the absorbing attention which the Senator from Missouri has given to this same great monster, the Bank of the United States, that I apprehend there is no man in the republic, except the President of the Bank, who is able to give answers to all the objections and charges which the fertile imagination of the honorable member can at any moment conjure up. I would, therefore, suggest to him that great advantages would accrue to the republic if he would, in some way or other, have a regular discussion with the parent of mischief, Old Nick himself, in regard to the former transactions of the bank. They might play the game by letter, as that of chess is sometimes done; or what would, perhaps, be better, they could meet at some half-way place, and, each limiting himself to half an hour at a time, (I should consider this clause in the agreement very important,) they might at the end of five or six months end the matter quite as satisfactorily as the theological contests of a similar character we sometimes hear of generally terminate—that is, the auditors would come away with their heads confused, their passions heated, and their original prepossessions confirmed.

On this matter I can only state the impression produced on my mind by all I have seen and heard on this question, and the conviction I express has, at all events, this recommendation, that it comes from one who has never had any connexion with the bank in any way whatever, and whose judgment is not clouded by the recollection either of favors received or favors refused. I say, then, sir, in all sincerity, that nothing has yet come under my consideration to induce me to think that the Bank of the United States was not wisely and honestly conducted, and I am convinced that its operations were most useful and salutary to the nation. It gave us a sound currency, and it regulated exchanges with a success until then unknown, and which, if we have not reached that point already, we must soon cease to enjoy. No institution with its power, which ever existed, so studiously abstained from all interference with either national or State politics, up to the time when it pleased those opposed to it to raise the war cry of party, and to denounce it to the public, instead of calling it before a court of justice, where, according to the terms of its charter, all violations of it were to be tried. I shall not attempt to characterize what it did afterwards; that must be judged by others; but I fear we are still too near the heated scenes which this contest has given rise to, to judge of it correctly. Dragged from its legal and constitutional judges, and arraigned before the American people, it had no choice as to the place or mode of defence. It had no alternative but to submit in silence to all the imputations heaped on it, or to meet them by denial and proof. That it may have sometimes overstepped the limits of defence, by assailing its opponents, may be true; and that its language may not have been always as guarded as policy would have dictated, is perhaps equally true, nor is it important. The fault lies with those by whom the irregular and unconstitutional assault was first made; and much is to be pardoned to the feelings such a proceeding produced. It is very easy for the physician, who stands by the side of the victim who is racked, to tell him that his complaints must be courteous, and his cries gentle; but this species of forbearance, like many other virtues, it is much less difficult to preach about than to practise.

Nor have I ever seen any proof that it abused its power at the time when, from the wide-spread alarm which filled the community on the removal of the deposites, a total want of confidence in pecuniary matters seized on the public mind; and this has again and again been shown. The contraction of its discounts was not greater than the removal of the deposites warranted, and the necessity for transmitting its funds from distant points to those nearer home, where it was menaced with a pressure, without the imputation of unworthy motives, accounts for the facts which the Senator referred to.

And, sir, there is just as great a mistake in regard to the motives attributed to the members on this floor who were opposed to the measures taken by the President in relation to the bank. I am really, sir, almost tempted to get out of humor with the Senator from Missouri, at the small compliment he pays to our common sense, when he asserts that the course pursued by us was prompted by the hope of influencing elections and promoting party ends. I beg the Senator to understand that, deferring to him, as I am sure all on this side of the House readily would, to his superior skill in electioneering, and to a knowledge of all topics by which the passions and prejudices of the multitude can be inflamed, we were not quite so ignorant of these things as to ever flatter ourselves the bank could be made popular with the people. Both reason and experience, sir, taught us another lesson.

We knew perfectly well, sir, that an institution of this kind never could be acceptable to the mass. Banks always must be disliked by them; because the benefits which they confer on society are indirect, and the philosophy of their utility out of common reach, while the advantages which they confer on the owners of them are great and palpable, and odious, because they are exclusive. We knew all this, sir; and, if we had not known it, experience had taught us the lesson. We saw the old Bank of the United States, which was wisely conducted, which had given us a sound currency, and whose whole operations had been beneficial to society; we saw it, sir, prostrated before public clamor and public prejudice, and that, too, at the moment we were about entering on war with one of the most powerful nations on earth, when its assistance was most important to the fiscal operations of the Government. We knew, sir, that all the causes which produced this result were in active operation again, and we foresaw, just as well as our opponents did, that the same conclusion was extremely probable. There was no difference in our perception of this matter, though there was a wide difference in our view of the consequences. We saw distress and ruin to society in the measure, and we resisted it without any regard to its effect on our popularity. They either did not see them, or, if they did see, they disregarded them. I wish, sir, we had been false prophets. I would, with cheerfulness, give up the praise of wisdom and foresight, to avert the swarm of evils which this measure of the administration is about to bring on the country, or rather which it has already brought on the country.

We clearly foresaw, sir, what would take place, and we as distinctly warned gentlemen on the other side of the inevitable derangement of the currency which must follow the measures they were pursuing. We entreated them to look back on the events which ensued on the refusal, in 1811, to recharter the old bank; to reflect on the destruction of credit and prostration of morals which flowed from the multiplication of State banks soon after that period; to remember how at least one third of the property of the country had changed hands in the space of a few years, and to think how many families had been reduced from affluence to poverty by similar measures. We beseeched them to look at those things, but we beseeched in vain. The then Secretary of the Treasury told us State banks could furnish as good or a better currency than the United States Bank. The President endorsed the statement. The Senator from Missouri talked of his metallic currency and the golden age which was approaching; and under these errors and misconceptions the work of mischief was done.

But now, sir, when all these delusions have passed, or are rapidly passing away, is it not meet and proper that we should, from the eminence on which we stand, look at the full extent of the evil which is approaching us? We may draw from the past and present some salutary lessons for the future.

I shall not, sir, fatigue the Senate by going back to that period of our history, at the close of the revolutionary war, when there was such a rapid depreciation of the value of the currency, though it furnishes strong examples to illustrate the views I entertain on this matter. I content myself with recalling the attention of the Senate to the circumstances which preceded, accompanied, and followed, the destruction of the first national bank, and I am greatly mistaken if the parallel between the condition of the country now with what it was then will not be found complete.

Previous to the expiration of the charter of the first Bank of the United States, the currency of the country was in a very sound state, and it continued so up to that period, and for a short time after. The States, however, soon began to charter institutions of their own, and between 1811 and 1813 a considerable addition was made to the circulation. In 1816 it became excessive. During all this period the country bore the external marks of prosperity; trade flourished, land, slaves, houses and lots, and all other species of property, rose in value. Real estate, which could have been bought in 1810 for $10 an acre, in 1816 sold for $80 and $100. I remember the time well, sir; the universal prosperity of the country was the theme of every man's tongue, and speculation run riot in its magnificent schemes. But, sir, these things are subject to laws as certain as any thing else in this world. There is a point beyond which you cannot carry them. The bubble when inflated too much bursts. In 1817 and 1818 the reduction in the circulation commenced. It was at first slow and gradual, and its effects scarcely perceptible. Each day, however, rendered them more apparent, when, in 1819, the circulation being by fifty-nine per cent. less than that of 1815, there ensued a pecuniary distress which has never been exceeded in any country. Every article of commerce, land, slaves, houses, fell as far below their real value as they had before risen beyond it. The most enormous sacrifices were made at public and private sales; and every one was astonished, for they could not account for such a change in the general prosperity.

Sir, they are all accounted for by these naked facts: in 1813 the circulation of the country was seventy millions of dollars, in 1815 one hundred and ten millions, in 1819 forty-five millions. Sir, it was not property that had risen in 1815, it was money that had depreciated; and it was the greater value of it, produced by its scarcity in 1819, that made that property fall in price.

I have taken these facts, sir, from the report of the then Secretary of the Treasury, Mr. Crawford, and they may be relied on. There can be no mistake in the deduction I make from them.

It would seem, sir, as if all experience was lost on us. We again see the same extraordinary rise in the price of every thing which is an object of sale. Every one, as heretofore, is expatiating on the universal prosperity, and there are no bounds to the imaginations in which men indulge in these matters. But, sir, our situation is just the same as it was in the other times I have been speaking of.

In 1830, our circulation was sixty-one millions of dollars. In January, 1835, or rather in June, 1834, it was one hundred and three millions of dollars. In 1836, it cannot be less than one hundred and twenty millions. An increase of sixty millions of dollars in six years! I give the facts from the official returns made by the Secretary of the Treasury. They come, sir, it is true, no lower down than 1835. But if we take the average increase for two or three years before that time, and reflect on the enormous rise of property since, (a sure indication of an unhealthy circulation,) we must be satisfied that there has been more than seventeen millions added to the circulation within the last sixteen months, and that one hundred and twenty millions is below rather than above the real estimate.

You see, sir, therefore, at a glance, the causes of the present state of things; and who cannot also, sir, see at a glance how it is to end? If the evil could be checked now, and the reduction be slow and gradual, we might escape the consequences which time has inevitably in store for us under any other policy. But, sir, far from expecting this, I look to an increase of the disease. It appears to me inevitable. A universal madness has taken possession of the public mind. Within the last four months I have heard of augmentations of banking capital, proposed or passed, to the amount of fifty millions of dollars, and more I am told are projecting; so that we may expect to see this system continuing until it breaks and falls from its own weight and magnitude. In the present state of things, the States are all interested to increase the circulation of their own banks, and prevent that of their neighbors. Indeed, we already see symptoms of a war of legislation, (the result of jealousy,) by which they are attempting to restrain the notes of banks in other States from passing within their limits.

This deplorable state of things must yet get worse; and well might the Senator from Missouri depict it in the colors he did a few days ago. He could not overcharge this picture—a picture, sir, rendered more painful to contemplate, by the recollection of our condition before the war was waged on the Bank of the United States. For sixteen years it regulated the currency of the country, with a wisdom and success of which there is no parallel. We threw it away, and we see what we have got in its place. Sir, all the projects of regulating and checking the excess of bank emissions by law, refusing to receive at your treasury their notes of a less sum than twenty dollars, will have no more effect than would have a bucket full of earth thrown into the Mississippi to stop its current. And as to pushing gold and silver into circulation when you have five hundred and fifty banks interested in gathering it all up, and supplying its place with their notes, that is equally impracticable; a cheap and a dear currency never can exist together; the former always destroys the latter. Having no power by the constitution to interfere directly with the State legislation in this matter, I see that the country is destined to go through the same scenes of agitation and suffering which it did previous to the operation of the late Bank of the United States. After the evils have come to a height when they can no longer be endured, we shall have another national bank, and not until then. But I submit if it would not have been as well to prevent this state of things two years ago. I inquire, what good has been or can be attained by putting the people through this fearful trial? Five or six years hence will be the time to get an answer to these questions.

Sir, it affords me no consolation for all the calamities which I see approaching, that we are told the people of the United States have approved of all the acts of the President in relation to the bank. If they had, I could not surrender my impressions; but I have seen no evidence of the fact. It is inferred from his re-election, and from a majority of his friends being found in Congress. But, sir, I protest against any such a fallacy being received as proof of their approval. I believe, on the contrary, that the President was re-elected, and is now sustained, in spite of the removal of the deposites, not in consequence of that act. When I came here two years ago, I conversed in private with none of his friends who did not regret the step, though they were unwilling to abandon him for what they conceived an honest error. These friends still sustain him, because, with his defects and mistakes, they prefer him to those who might take his place. This, sir, is the true ground, not that taken in argument. By such reasoning as has been offered on this floor, every President who is re-elected has done no wrong, nor fallen into any error; he is infallible. It is a pure sophism, sir, to assert that the re-election of any man argues an approval of each of his acts. It is only evidence that, taking them all, good and bad together, the people accept him.

Sir, I have much more to say, but the state of my health forbids me to go farther, and I conclude by again returning my thanks to the Senate for the attention with which they have honored me.

The Senate adjourned.

Wednesday, March 23.

MAINE BOUNDARY.

Mr. **DAVIS** rose and said he held in his hand certain resolves of the Legislature of Massachusetts relating to the boundary line of the United States between Maine and the province of New Brunswick, which he would send to the Chair to be read to the Senate. After the reading, he said his duty required of him that this subject should not pass wholly unnoticed, for it was a matter of very serious moment to Massachusetts and Maine. It might be well to observe that the territory of these two States formerly belonged to Massachusetts, and she owned a very large tract of uncultivated and unsettled land which lies in Maine. On their separation they agreed to be the joint owners of this land, in equal shares, and so remained now, of so much as had not been sold to this time. This created a great interest in Massachusetts, as he would show, and it was for this reason she made an appeal to this Government—

1. That efficient measures should be adopted to bring the question of boundary to a final and just determination.

2. In case that cannot be accomplished soon, to make

some provision that the interests and property of these two States should not be sacrificed.

He said he would call the attention of the Senate to facts which merited the consideration of this Government, and ought to awaken it to a sense of the wrongs inflicted upon us, and, if possible, obtain redress.

An erroneous opinion, he feared, had prevailed in regard to this territory. It had been supposed to be a frozen, steril region, uninhabited and unsuitable for population. It had, however, been explored with care, and a large portion of it was now known to be as fertile and inviting to the agriculturist as most of New England. It had great advantages of navigation, being intersected by numerous and valuable streams. It was, therefore, of great importance to both States, but especially to Maine, whose future relative weight and importance in the Union would depend much upon the establishment of this line.

But there was another point of view in which the subject presented itself with great interest. The territory was covered with a heavy growth of pine timber, such as is used in finishing buildings. It was now said by those who had investigated the matter, that this territory was the only considerable resource left for this kind of lumber. The soft pine grew in the valleys of the Connecticut and Susquehanna, but the demands of the country had called for it, and it had disappeared. So well established did this seem to be, that the future supplies would be chiefly limited to this resource, that it had probably been a chief cause in exciting the extravagant speculations which occurred in these lands during the last year.

What the quantity is in this disputed territory was not accurately known, but he believed a large portion of the whole ten millions, or more, claimed by the two States, would be found there. The States, however, felt, after the most careful explorations, their respective interests would be very great. A doubt was not now entertained that each would realize several millions of dollars. It was a great abiding interest to which they looked with the certain expectation of realizing great benefits. And what was, and had been, doing with this territory? How was this great interest protected?

The United States, the States of Massachusetts and Maine, have uniformly asserted their claim to a line running nearly north from the St. Croix river to the highlands separating the waters of the St. Lawrence from those flowing into the Atlantic ocean; while Great Britain has lately set up pretensions to a line running westerly, and nearly at right angles with this line, so as to cut off nearly one third of the whole territory of Maine. When the treaty of Ghent was made, in 1815, it provided for running out this boundary by commissioners appointed by the two Governments, and, if they disagreed, the question was to be referred to a friendly Power, to decide the controversy by arbitration. They disagreed, and the matter was referred to the King of the Netherlands. The surveys, maps, and a mass of evidence, were laid before him, which he (Mr. D.) thought was conclusive in favor of the line claimed by the United States. Great Britain also offered testimonials in support of her claim, and what was the result? The worthy King selected an intermediate line, by which he divided the territory between the parties; that is, he failed to decide the question submitted, which was this: Which is the true line—the one pointed out by one party, or the other pointed out by the other party? This was all that was submitted to him. He had no right to decide any thing else, and, therefore, by common consent, his decision fell to the ground.

It ought here to be observed, that although Maine had considered herself in possession of the territory, yet Great Britain had silently usurped a possession, which she had continued partially, since the failure of the decision, and now exercised to the exclusion of the States and this Government, through an officer called the warden of the territory.

In this state of things, great abuses and waste of the timber, and destruction of the property, were daily occurring. This appeared from authentic sources. The Legislature of Massachusetts sent a committee to explore and examine the country last summer; and he had in his hand their report, from which he would read a paragraph or two for the information of the Senate, to show that the complaints made were not unfounded.

"The committee have thus briefly noticed the outline presented in its passage across this important portion of our domain. When it shall be explored more fully, it will be found to contain an inexhaustible treasure, in its deep forests, its rivers, and its soil. The condition of all that portion now held in the custody of England presents matter for serious and anxious reflection. Are we humbled by the lofty pretensions of a Power from whom we have twice conquered an honorable peace, or from what cause is it that our pride seems subdued, while our interests are sacrificed? No American, and especially no man of New England, can traverse this region, and shut out from his mind the conviction that wrongs have been perpetrated under the cover of diplomacy, that dare not be defended in the open field. This land which we claim belongs to us of right, has, for some cause, or to answer some purposes, been most ignominiously surrendered to the custody of a foreign Power. It does not fail to impress one strangely that, after possession of more than a quarter of a century—after the full exercise of sovereignty, we should quietly permit that possession and that sovereignty to pass into the hands of a foreign Power, and thus be held until that Power shall find leisure to establish over it a permanent legal title. But your committee will not dwell upon a topic so fruitful of unpleasant emotions; they were sufficiently harassed by them while traversing this region; they could not look abroad without witnessing the depredations and wastes every where committed; they could not fail to appreciate, at its just value, the guardianship exercised over it. They were not blind to the trespasses once suppressed by our own agents, but now renewed upon the timber and the lands, and that seemed to be pursued with an eagerness and an ingenuity that scorned resistance or defied detection. They did not complain, for there was no power to redress; nor do the committee now arraign the conduct of the British agent; he is powerless on this subject. The great mass of the population consider the lands as waste, and each plunders and appropriates as his inclination or interest leads him. There have been some devices thought expedient, as a cover for some of the grosser acts under the eye of the authorities. 'Location certificates' are granted by the Government of New Brunswick to old soldiers; these are made to cover one tract, until the timber is stripped, and then it is changed to another—a sort of roving commission, protecting the aggressor, when the power to punish needs but a slight apology to quiet it; large portions of this region held in trust, thus formally, have recently been claimed as belonging to Canada, thus taking it out of the jurisdiction of the trustee, the Governor of New Brunswick, and freeing it from all rule, or law, or agency."

Such was the deplorable condition of the property under the care of this warden, who occasionally seized the lumber cut by trespassers and sold it, depositing the funds for the benefit of the party that shall finally hold the territory. Without complaining of the conduct of the warden, it was time such proceedings were arrested, and this waste and profligacy stayed. Great interests were at stake and ought to be regarded. These claims of soldiers' rights seemed like the pre-emption rights called "floats" in this country, and were characterized by as great frauds. Canada, too, had put in her claims of jurisdiction, and thus this valuable growth of timber seemed in a fair way to be demolished.

The immediate remedy proposed by the resolution was to have an agent appointed, who should vindicate the rights of the United States, and especially the rights of Massachusetts and Maine. A supervising agency seemed necessary, to protect the rights and property of these States.

The committee say, "if the agency of this country could be put into commission, so as to admit the interests and views of Massachusetts and Maine to participate in its management, no doubt a much better state of things would supervene; a greater degree of vigilance in repressing depredations, and a much more friendly policy towards the American citizens, must be the consequence."

The interest of these States called for protection. This was very plain, without charging fault upon any one; and he hoped the attention of this Government would be drawn to the matter, and, if consistent with good faith, some measures would be speedily adopted. It was with this view that he had made these remarks. He hoped the resolutions would be printed, and referred to the Committee on Foreign Relations.

Mr. **SHEPLEY** said: I do not intend to enter upon the discussion of the subject of these resolutions at present. I have two reasons for declining to do so. I am troubled by an infirmity of voice, which will prevent it; and I should decline doing so out of respect to my State, for I perceive that the resolutions are to be transmitted to the Governor of Maine, and I do not wish to attempt to commit her to any course respecting this matter. I prefer that she should act upon it before I indicate any course respecting it. The remarks of the Senator from Massachusetts [Mr. DAVIS] call for a few words from me. I shall not enter upon a history of the northeastern boundary; but it will be fresh in the recollection of the members of this body, that the Senate advised the Executive to negotiate anew respecting it, after the award, so called, of the King of the Netherlands had been communicated to the Senate. In accordance with such advice, a new negotiation had been opened, and it seemed to be well understood that the award had been entirely set aside; and thereby the right of the parties had been placed upon precisely the same foundation upon which they rested before the treaty of Ghent. Before that treaty, it appeared, from the correspondence of the ministers, that Great Britain sought to obtain by cession the disputed territory, or a part of it. Having been informed that our ministers were not clothed with power to cede it, the commission was instituted under that treaty. I agree with the Senator from Massachusetts, that the evidence to prove our right ought to have been entirely satisfactory, and the claim of Great Britain I regard as most unjust, and as set up under the most extraordinary circumstances. I do not understand that Great Britain, or the province of New Brunswick, is in the actual possession of the disputed territory in the manner that seems to be supposed. There has been no surrender on the part of Maine of any actual possession which she had before the treaty of Ghent. As I have before observed, the rights of the parties are now, both as to jurisdiction and possession, precisely what they were before that treaty; and so are the actual possessions, so far as I am informed. Maine has surrendered nothing; nor has she agreed that this Government should surrender any thing belonging to her.

In regard to the resolutions, the first proposes a speedy settlement of the controversy. Maine certainly would not be likely to object to that; it could not but be most desirable to her to have the question settled as early as possible, in a manner that would give to her all her just rights. The delay has been great in bringing the negotiation to a favorable termination; and the course pursued in regard to it has not been in all respects precisely as I could have desired; but I am not informed of any just cause for imputing blame to the Executive, that it has not been brought to a close before this time.

The second resolution, if I understand it, proposes an agency from this Government, to have the guardianship and control of the disputed territory pending the negotiation, for the preservation of the property upon it. It is certainly desirable to prevent trespasses upon that territory. And it may be that the State of Maine may consent to such an agency as is proposed, if it can be arranged with her consent, and can be under her direction. But I cannot believe that she ever will consent that this Government or any other shall, without her consent, attempt to exercise a jurisdiction or control where she rightfully exercises it. It is for my own State, and not for me, to decide upon her proper course in relation to this matter. I will only repeat, that no one can be more sensible of the injustice of the claim set up against my own State than I am.

A word (said Mr. **DAVIS**) in answer to the Senator from Maine. He neither asked nor sought for any extraordinary exercise of jurisdiction on the part of the United States. But it was well known that Maine and Massachusetts could not enforce their rights against a foreign Power. They were unknown to such Powers. Controversies with them were confided to this Government. He desired no more than to enforce the rights of those States, through the aid of the United States—nothing more. He should himself object to any thing beyond this—to any interference with what belonged exclusively to the States. He contemplated no such thing; but that the United States should, in the exercise of its legitimate power, aid to enforce the rights of the States.

Mr. **CLAY** stated that he was not prepared to say that a reference of these resolutions to the Committee on Foreign Affairs was likely to lead to any useful or practical result. He did not rise, however, to prolong the debate, but simply to move to lay the resolutions on the table for the present. He had an idea floating on his mind as to the proper disposition to be made of them, which he would express when the subject should be taken up again. For the present he would move that the resolutions be laid on the table and printed.

The motion was agreed to.

EXPUNGING RESOLUTION.

The Senate again proceeded to the consideration of the expunging resolution.

Mr. **PORTER** resumed the observations he commenced yesterday, in reply to the Senator from Missouri; which he concluded a little before 3 o'clock; the whole of which will be found imbodied in preceding pages.

On motion of Mr. **BENTON**, the resolution was then laid on the table for the present, and the Senate proceeded to the consideration of executive business; after which, they adjourned.

THURSDAY, MARCH 24.

DAY OF ADJOURNMENT.

On motion of Mr. **KING**, of Alabama, the joint resolution submitted by him, designating the day for the adjournment of the two Houses of Congress, was taken up.

Mr. **KING** then moved to fill the blank in the bill with the words "the 30th day of May next."

Mr. **CLAY** said that he was very desirous of an early adjournment of the present session, and indeed would be glad if the day of adjournment could be made earlier than the one proposed. So anxious was he individually on this subject, that if Congress did not adjourn before that time, he thought he would be obliged to adjourn himself. He was not sure, however, that they could close the session so soon as the 30th of May, if they were to discuss the several important questions that were before them. One single question, on which they were occupied yesterday, (Mr. BENTON's resolution,) would engross five or six weeks of their time, for that was a resolution presenting an ample field for the most elaborate discussion. If the other great subjects before the Senate were to be discussed at all, he did not think that they could get through with them by the 30th of May; and he therefore suggested to the gentleman from Alabama, whether it would not be more advisable for him to let the resolution lie for the present on the table.

Mr. KING, of Alabama, had no disposition to hasten the decision now, if he could see the slightest inconvenience resulting from it. He could not estimate the time that would be occupied in making speeches; but the Senate could transact all the business now before them by the 30th of May. It might make a difference in the House of Representatives. He knew, from experience, that when a day certain was fixed upon, business went on with more expedition, and legislation was conducted with equal propriety. For himself, he was anxious to get away as early as possible. With a view that gentlemen might turn their attention to the amount of business on hand, to enable them to bring their minds to a conclusion, he would consent to lay the motion on the table, to be taken up again at as early a day as possible.

Mr. BUCHANAN suggested to the Senator from Alabama the expediency of postponing the further consideration of his resolution until Monday next. For his own part, (Mr. B. said,) he knew, from what little experience he had had in legislation, that when a day of adjournment was fixed, all accommodated themselves to that day, and the business of legislation when on more rapidly and more regularly than if no day had been fixed. It appeared to him that they might, with propriety, adopt the resolution fixing the adjournment at between two and three months from this time; and if the business of the House of Representatives required more time, they could amend the resolution to suit themselves. For the present, he thought the subject had better be postponed until Monday next.

Mr. HENDRICKS would ask whether it would not be better to take up the bill on the general subject of the commencement and termination of the sessions of Congress, and act upon it.

Mr. LINN suggested the propriety of adopting the principle of the bill referred to by the Senator from Indiana, [Mr. HENDRICKS,] by amending the resolution. He only, however, threw out this as a suggestion to the mover of the resolution.

Mr. KING, of Alabama, replied that, when the subject came up again, gentlemen were at liberty to offer such amendments as they pleased. The bill, however, did not conflict with the resolution, as it applied to the future meetings as well as future adjournments of Congress, while the resolution had reference only to the present session. He had no objection, when the resolution came up again, to an amendment making the meetings of Congress earlier than under the present regulation; for the present, however, he was willing to postpone the further consideration of the resolution till Monday next.

Mr. BENTON asked if any Senator knew the number of bills that had been passed of a public nature during the session. Numerically, he said, they were seven, but in point of fact they were only six, for one of them was for the transfer of part of an appropriation made in another bill. They were near the end of the fourth month of the session, and had passed but six public bills. Although it was good to adjourn and go home, it was not good to adjourn and go home till they had done the public business.

The resolution was then postponed to Monday next.

DISTRICT OF COLUMBIA.

On motion of Mr. KING, of Alabama, the Senate proceeded to consider a bill for the relief of the several corporations within the District of Columbia.

[This bill had been recommitted, by order of the Senate, to the Committee for the District of Columbia, and had been reported with an amendment, providing that before the Secretary of the Treasury shall assume the payment of the Chesapeake and Ohio canal stock, the stock shall be vested in the Secretary, (for the United States,) the privilege being allowed to the corporations to redeem the stock within ten years, on repaying the money provided by this appropriation to be paid to the corporations.]

The amendment being agreed to, Mr. KING, of Alabama, moved to fill up the blanks for the sums appropriated for interest, &c., paid by the corporations, with the following sums: $449,685 for Washington; for Alexandria, $114,640 44; for Georgetown, $116,795 48; which amendments were agreed to.

The bill, as amended, was reported to the Senate; and the amendments having been concurred in,

Mr. CALHOUN asked for the yeas and nays; which were ordered.

The question was then taken on the engrossment of the bill, and decided as follows:

YEAS--Messrs. Clay, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, Walker—17.

NAYS--Messrs. Black, Buchanan, Calhoun, Davis, Hill, Hubbard, Mangum, Moore, Morris, Niles, Robinson, Shepley, Swift, Tomlinson, Wall, Wright—16.

So the bill was ordered to be engrossed for a third reading.

MISSOURI LAND CLAIMS.

The Senate proceeded to the consideration, as the special order of the day, of the bill confirming claims to lands in Missouri, and for other purposes.

Mr. LINN observed that this bill had passed the Senate two sessions in succession, and failed in the House of Representatives, for want of time to consider its provisions. Toward the closing hour of the session before last, it was referred, by a resolution of the House, to the Secretary of the Treasury, for his supervision, the result of which examination he was to report to Congress at its next meeting. The Secretary of the Treasury called on the Attorney General for his opinion on the merits of the claims. That officer, for a variety of reasons, was unable to go into a critical examination of the claims, and returned them with an opinion, as far as it went, in favor of the claimants. With this opinion of the law officer of the Government, they were sent to the House of Representatives about the middle of January last.

The commission to which these claims were submitted for examination was appointed under the act of July 9th, 1832, and 2d of March, 1833. The first step taken after the organization of the board was to cause the publication of a notice in all the newspapers of the State, requesting all those who were interested in these claims to come forward with their testimony, as they were then ready to receive evidence. To prevent all cause of cavil or complaint, they were repeated from time to time. The commissioners found that, from great age and infirmity, many important witnesses could not attend at St. Louis, their place of sitting, without great inconvenience to these old people, and oppression to the claimants. The commissioners adjourned to various places, as best suited the public convenience. In taking this testimony, for the purpose of preventing imposition, they were particularly careful to ascertain the standing and respectability of the witnesses examined. When an individual who, from age and long residence in the country, was called often to testify in these cases, the commissioners uniformly made out a certificate of the good character of the witness, which was signed by his neighbors. These certificates are now on file in the recorder's office at St. Louis. As notice was also published in the newspapers, calling on all adverse claimants to come forward and attend to their interests, the great object of the commissioners being to make the law final and satisfactory in its results. But little attention was paid to this notice by those most interested in preventing the confirmation of the claims now presented by this bill for the decision of Congress.

One set of claims in these reports of the commissioners, and embraced in this bill, are called donation or settlement rights, and are based on acts of Congress, passed March the 2d, 1805, April 24, 1806, March 3, 1807, and June 13, 1812. * * The first law gave 640 acres of land to the head of the family, 100 arpens to the wife, 50 for each child, and 25 for each slave, to all those who inhabited and cultivated prior to the 20th of December, 1803. This law was in many respects liberal in its provisions to the early settlers in Louisiana, who had not received grants of land either from France or Spain. But this law was modified by the act of April 21, 1806, which required the commissioners to conform in their decisions to the instructions of the Secretary of the Treasury. These instructions were to grant no more to the head of the family than 100 arpens, 100 arpens for the wife, 50 for each child, and 25 for each slave. These instructions were very liberal, and prevented a great many individuals from obtaining the advantages of the act of June 13, 1812, which gave 640 acres to the head of the family who inhabited on the 20th of December, 1803, and cultivated within eight months after.

The next class of claims is marked by those based on French and Spanish concessions, many of which were rejected by former boards of commissioners by reason of their being located on lead mines, salt springs, for want of power in the officer to grant more than a league square, or for reasons long since considered untenable. The board of commissioners, of which he (Mr. Linn) was a member, labored assiduously to bring this matter to a satisfactory conclusion, so important in its results to the prosperity of the State and to the happiness of the ancient inhabitants of the country, who differed from us in laws, language, and customs, and to whom so much is due for the honesty and simplicity of their lives, and who were transferred to this Government without being consulted. From a deliberate examination of all the Spanish laws to which they had access, and the usages and customs that were practised on in Louisiana, they came to the conclusion that these claims would have been continued if France or Spain had retained the sovereignty of the country; but it was not his intention to go into a discussion of the subject, unless it became necessary in the course of the debate.

Mr. **CLAY** remarked that this bill was one of very considerable importance, and ought to attract the attention of the Senate. He should like to be informed of the total number of the claims confirmed, with the number of acres; and he should also like to know whether the Committee on Private Land Claims had given this subject a thorough examination, and were satisfied the decisions of the board of commissioners were correct. Congress, in the act appointing this board, reserve to itself the power to revise these decisions, and it was their duty to do it carefully. These decisions ought to be subjected to such scrutiny as to satisfy Congress that they were not giving away these lands in the dark. He would thank some member of the committee for information on these several heads; the number of claims; the quantity of acres confirmed, and whether the committee had satisfied themselves of the correctness of the decisions of the board of commissioners.

Mr. **LINN** observed that the committee were satisfied, from the investigation they had gone into, that the decisions of the board of commissioners were generally correct. In reply to the other point of the inquiries of the gentleman from Kentucky, he would state:

The commissioners reported, in the year 1833, favorably on	404,000 arpens.
In 1834,	108,000
In 1835,	62,000
Total,	574,000 arpens.

Of which amount 35,000 acres is founded on donation or settlement right claims.

Amount in the reports confirmed by the decision of the Supreme Court is—

Soulard's case,	10,000 arpens.
Two of Chouteau,	8,337
La Sus,	7,056
Thomas Mackay,	800
Rejected by the Supreme Court—	
Smith, John T.,	10,000
Mackay, Wherry,	1,600
Total,	37,793 arpens.

Total number of claimants, 351.

Mr. **WALKER** did not rise to discuss the merits of any of these claims, but to designate the course which he should feel it his duty to pursue when the Senate should vote on the bill reported, confirming these claims. Among these claims, in favor of the confirmation of which the board of commissioners have reported, and which report is now recommended by the committee of the Senate for our sanction, is embraced one claim in which Mr. W. had purchased an interest several years ago. This was the claim granted to Governor Villemont, embracing Point Chicot, in the Territory of Arkansas. Mr. W's interest in this claim amounted to several hundred American acres, and had been acquired by him before he became a candidate for the Senate of the United States; and it was the only interest, direct or indirect, that he now held, or ever had held, in any lands in Arkansas. The genuineness of this claim was not disputed by its opponents, but, on the contrary, distinctly conceded; and the opposition to this claim was based on the alleged non-performance of certain conditions annexed to the grant. Mr. W. wished to be distinctly understood as expressing no opinion for or against the propriety of a further confirmation of this grant; and he had risen to state that, having several years since purchased an interest in this grant, whenever the Senate should proceed to act upon the bill he should ask to be excused by the Senate from voting upon the question. On the very day that Mr. W. took his seat in the Senate, the Senator from Missouri [Mr. Linn] now before him, not being apprized of his (Mr. W's) situation, had asked him to aid in the discussion which might arise upon the passage of this bill, when he (Mr. W.) then immediately informed the Senator from Missouri that he had an interest in this grant, and that he could take no part in the discussion, or express any opinion, either in the Senate or elsewhere, to any member of either House, as regarded the propriety of any further confirmation of this grant; but, whenever the question came up before the Senate, he would ask to be excused from voting upon it.

Mr. BLACK agreed with the Senator from Missouri, that the decisions of the board of commissioners were, as far as he could ascertain, very correct. He had every reason to believe, from the principles laid down by them, that they had not materially erred. There might possibly, he said, be errors in the report; but he believed they were as few as in any report ever before Congress. The cases confirmed in this report were of two descriptions—those in Missouri and those in Arkansas—the latter of which it was not the intention of the committee to embrace in the bill. But, inasmuch as doubts existed whether the bill in its present shape would not cover the cases in Arkansas, he would suggest to his friend from Missouri the propriety of making an amendment so as to exclude them.

Mr. PORTER was one of the members of the committee before whom this subject had been, and had given a great deal of attention to it. There was not a single claim embraced in the bill that he did not examine minutely. He had satisfied himself of the justness of all of them; and could see no good reason why Arkansas should be taken out of the bill.

Mr. KING, of Alabama, said that he could see no propriety in acting now in those cases which were in dispute. He himself knew nothing of them, except from the documents which had been put in his possession, and which were now before the Committee on the Public Lands, who had not yet reported on them. The Senator from Louisiana might himself be satisfied as to these disputed cases, but when he came to see the report of the committee he might change his mind. He put it to the gentleman, whether, as a lawyer or as a judge, he would decide on cases before he had examined all that might be said on either side. With regard to the other cases in Arkansas, which were not disputed, he saw no reason why they should not be confirmed with the claims in Missouri. He would not be very strict as to the performance of the conditions, where the grants were genuine, and made in good faith. To obviate all objections to the bill, and to do equal justice to all the claimants, he would offer an amendment that would take out the case of De Villemont, and save the rights of those claiming under him. He would observe that a portion of these lands, in De Villemont's case, had been sold by the Government; and if this case was confirmed, there would not be lands enough left for all the other cases.

Mr. K. then submitted the following amendment:

"Provided that nothing in this act contained shall apply to or be in confirmation of the claim of Don Carlos de Villemont for a tract of land at Point Chicot."

Mr. PORTER observed that the whole subject had already been examined and reported on by the Committee on Private Land Claims, and there was no good reason why they should wait for a report from another committee. Did the Senator from Alabama suppose that confirming these claims would confer a good title to the lands? The Senator knew that such confirmation would be only relinquishing the claim of the United States, and that all parties having conflicting claims could have recourse to the courts of justice. Let the claimants under De Villemont's grant, he said, go to the courts, and contest the claims of those holding the lands. If the Senate refused to confirm these claims, it would, Mr. P. said, be going directly contrary to the practice of Congress for the last twenty-two years.

Mr. LINN observed that the persons claiming in opposition to this grant of De Villemont had, as he had stated on a former occasion, ample opportunity allowed them of presenting their testimony at St. Louis to the board of commissioners, and had failed to do so. He himself had given them the information that the board would receive and give every necessary examination to their claims. Since the commencement of this session, he said, and since the petition presented by these claimants, he had been informed by a gentleman from Missouri, whose attention was accidentally called to the subject, that if these people had presented their testimony to the board, it would have been met by counter testimony, fully sufficient to overset it. They did not, however, avail themselves of the opportunity offered at St. Louis, but came here to interfere with the passage of a law, so important to the people of Missouri. They had wanted him to embrace their views in an amendment to the bill; but this, for good reasons, he had declined doing. He considered that there was a provision for these persons in this bill, which protects their rights in the same manner as was done in Soulard's case.

Mr. L. here read the provision and the decision of the Supreme Court, as follows:

"The court doth, therefore, finally order, adjudge, and decree, that the decree of the district court of Missouri be, and the same is hereby, annulled and reversed, except as to such part or parts of the land surveyed to the said Soulard, pursuant to the aforesaid concession, as had been sold by the United States before the filing of the petitions in this case; as to which the decree of the district court is hereby affirmed, and the land so sold confirmed to the United States. And this court, proceeding to render such decree as the district court ought to have rendered, doth further order, adjudge, and decree, that the title of the petitioners to all of the said land embraced in said concession and survey, which has not been so sold by the United States, is valid by the laws and treaty aforesaid, and is hereby confirmed to them, agreeably to said concession and survey. And the court doth further order, adjudge, and decree, that the surveyor of the public lands in the State of Missouri shall cause the land specified therein, and in this decree, to be surveyed at the expense of the petitioners, and to do such other acts thereto as are enjoined by law on such surveyor. Also, that such surveyor shall certify, on the plats and certificates of such survey to be so made, what part or parts of the original survey of such land has been sold as aforesaid by the United States, together with the quantity thereof; which being ascertained, the said petitioners, their heirs or legal representatives, shall have the right to enter the same quantity of land as shall be so certified to have been sold by the United States in any land office in the State of Missouri, after the same shall have been offered for sale, which entry shall be made conformably to the act of Congress in such case made and provided."

He had no doubt but this would be a consolatory decision for those who have taken up land, and would go to settle many cases now considered doubtful. The honorable Senators from Kentucky, Mr L. said, who were well acquainted with the manner in which the energies of the people of Kentucky had been crippled and paralyzed by the unsettled state of their land titles, could very well sympathize with the people of Missouri, who were in a similar situation. This much he was certain of, the protracting of the confirmation of these claims would only have the effect of enabling the lawyers to reap a rich harvest. He did not think it necessary to go further on this subject. He only regretted that these people had come here for the purpose of poisoning the minds of the members of Congress against a measure so just and necessary, instead of having presented their claims, with the necessary evidence, at a proper time, and before the proper tribunal. Now, he appealed to every gentleman if it was just that this untimely application should interfere with the settlement of a subject so long delayed, and in which so many important interests were involved?

Mr. EWING, of Ohio, said it was some time since he had turned his attention to this matter; but according to his recollection of the case, in 1795 a grant was made to Villemont, on express conditions, that the land should be settled within three years, and a road cleared out in one. It was a grant of nine square miles, and was a naked grant on that condition. The heirs under Villemont did not contend that they ever settled on it, although sixteen years had elapsed since the grant was made. It had appeared in evidence, that Villemont had offered an individual a choice part of it, if he would settle on it, and thereby preserve the title in Villemont. He (Mr. E.) had read the Spanish laws relating to settlements, which held the settlers to as exact a fulfilment of conditions as ours. With the impressions now upon his mind, he could not vote for this claim, or for the bill, if it should be retained in it.

Mr. LINN said that he held in his hand a letter from a distinguished gentleman of Missouri, which gave the following information: that De Villemont, at an early period, had improved this property; his wife and family still reside thereon, and that much difficulty existed from the inroads of the Indians, in making settlements in that remote and unprotected region. The Supreme Court, in Arredondo's case, had laid it down that the right of the claimant under a Spanish grant was not invalidated by the non-performance of the conditions, when he could satisfactorily make it appear that he had been prevented from fulfilling this condition, either by the King's enemies, or by any other imperative cause. The testimony went on to show that, in De Villemont's case, the land had in the first instance been held in possession by hostile Indians; and, secondly, that De Villemont had been removed from that part of the country by the order of his superior officer, and sent to another and distant command; by both of which means he was prevented from fulfilling the condition of occupancy. Mr. L. said that, for the reasons he had stated on a former occasion, he could not accept the amendment of the Senator from Alabama, but he would not oppose it.

Mr. KING, of Alabama, was sorry his friend from Missouri had thought it necessary to refuse this amendment. He knew the board of commissioners had done all in their power to do justice and to give satisfaction; but the honorable Senator had mistaken the object of the action of the commissioners. He (Mr. K.) had, at a former period, apprized the Senator from Missouri [Mr. LINN] of the state of the matter. The delay in presenting the claim and certificate was caused by sickness. The case was decided on a mistaken view of the laws of Spain. The case of Arredondo was to settle the land and put on so many settlers; but the moment of the Florida transfer, the terms of the condition were at an end. In reply to the gentleman from Louisiana [Mr. PORTER] he gave his reasons why he thought the course proposed to be pursued was no departure from parliamentary rules. As the Senate seemed to be all satisfied with the exception of this individual case, he thought they had better go on with the bill without including it, and take it up again.

Mr. EWING, of Ohio, said, as far as he had information, his opinion was against this claim, and without further information, or until he was better satisfied, he must vote against it.

The question was then taken, and the amendment of Mr. KING, of Alabama, was agreed to.

Mr. PORTER then submitted an amendment, to come in after the amendment of Mr. KING, in the following words:

And provided, also, That nothing in this act contained shall apply to or be in confirmation of the following claims:

	Arpens.
Manuel Lisa,	6,000
F. Coonts and Hempstead,	450
Matthew Sanicer,	1,200
Charles Tarpen,	1,600
Sons of Joseph M. Pepin,	5,600
Louis Lorimoore,	30,000
Bartholomew Consin,	10,000
Manuel Gonsales Mori,	800
Seneca Rollins,	400
William Long,	400
James Journey,	400
Joachin Lica,	6,000
François Lacomb,	400
Israel Dodge,	7,056
Andrew Chevalier,	400
Joseph Silvani,	250
John P. Curbanis,	2,000
William Hartley,	650
William Morrison,	750
Solomon Bellew,	350
Pascal Ditchmendi,	7,056
Baptiste Annure,	240
Alexander Maurice,	400
Jean Baptiste Valle,	20,000
Israel Dodge,	1,000
Walter Fenwick,	10,000
Total of arpens,	117,722

Mr. EWING, after some remarks, offered the following amendment:

This act shall confer no title to such lands in opposition to the rights acquired by such location or purchase, but the individual or individuals whose claims are hereby confirmed shall be permitted to locate so much thereof as interferes with such location or purchase.

Mr. PORTER did not see any reason why squatters on the public lands should be protected.

Mr. EWING, of Ohio, was not himself disposed to favor squatters, although they had heretofore, he thought, been treated very liberally for squatting. He would do no act that would confirm titles to lands claimed by them, for which patents had issued to others; as it would be productive of litigation, and give rise to claims for damages against the United States.

Mr. EWING's amendment was then agreed to, and the bill was ordered to be engrossed for a third reading.

MILITARY LAND WARRANTS.

The Senate proceeded to consider the bill to extend the time for issuing scrip or military land warrants, which was discussed by Mr. EWING of Ohio, Mr. KING of Georgia, Mr. TOMLINSON, Mr. KNIGHT, Mr. KING of Alabama, and then laid on the table.

The Senate then adjourned.

FRIDAY, MARCH 25.

SAFE KEEPING OF THE JOURNAL.

The following resolution, offered yesterday by Mr. CALHOUN, being taken up for consideration—

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing proper measures for the safe keeping of the journal of the two Houses and other public records, and of protecting them, by proper legal enactments, from being mutilated, obliterated, erased, defaced, expunged, disfigured, altered, or otherwise destroyed or injured—

Mr. CALHOUN rose and said that there is no evil without some accompanying good. The truth of the remark is illustrated by the measure which has occasioned the introduction of this resolution. As unconstitutional and as odious as is the attempt to expunge a portion of the journals of the proceedings of this body, it has had the good effect of arousing attention, for the first time, to the unprotected condition of the journals of the two Houses, and the other public records. I have caused diligent search to be made, and the result is, that, with the exception of the eighteenth section of the act of 1790, to punish certain crimes against the United States, which provides for punishing in certain cases the falsifying for fraudulent purposes the records of the courts, there is no law whatever to protect the public records. As strange as it is, it is no less true, that they may be mutilated, obliterated, falsified, expunged, or destroyed, by those in whose possession they are, or any person who may have access to them, without subjecting the person perpetrating the crime to the slightest punishment. Our Secretary, who is in charge of our journals, if so disposed, might destroy them before our eyes, without exposing himself to any legal penalty. All who hear me, whatever may be their opinions on particular points, must agree that such a state of things ought not to continue. Setting aside the obligation imposed by the constitution on us in reference to our journals, the great importance of the public records would of itself make it our duty to preserve and protect them with the utmost care. They contain the only authentic account of the proceedings of the legislative and judicial departments of the Government, and from them must be drawn mainly the materials for the true political history of the country, to say nothing of the important interests, both public and private, involved in their being preserved free from all alterations or changes, or suspicion of being altered or changed.

But, as sacred as is the duty of adopting the requisite measures for their protection, regarded in the light presented, it becomes far more so, when to that is added the obligation imposed by the constitution on this and the other House to keep a journal of their proceedings. Yes, we are under the obligation of an oath to *keep* our journals—a word of the most comprehensive meaning, and, at the same time, free from all ambiguity, as applied in this instance. It implies that our proceedings shall be fully and accurately recorded, and, when so recorded, that the journal containing them shall be carefully protected and preserved. Without recording, it would be impossible to preserve, while the injunction to record would be vain and absurd, without the obligation to preserve. The very object of recording is to preserve, for the use of the present and all future generations, a true and faithful account of the acts of this body. Such is the extent of the obligation imposed on the Senate by the constitution, in providing that it shall keep a journal of its proceedings; and, in taking the oath to support the constitution, we have all solemnly sworn faithfully to perform this duty, with the others imposed by that instrument. To discharge this obligation, we are bound, not only to abstain from destroying, altering, or in any respect injuring the journals ourselves, but to adopt all proper measures to guard them against destruction, alteration, or injury, by others.

The impression that they are our journals, and that we may do with them as we please, is the result of a gross misconception. They indeed contain an account of our proceedings, but they belong not to us. They are the property of the public. They belong to the people of these confederated States; and we have no more right to injure, alter, or destroy them, than the stranger that walks the streets; no more than we have to alter or destroy the journal of the other House, or the records of the courts of justice. We are, it is true, the representatives and the agents of those to whom our journals rightfully belong; and, as such, are their keepers, placed under the sacred obligation of an oath to perform our duty in that capacity, but which, so far from giving us any right to destroy or injure them, would but add to the enormity of the crime; just as it would be more criminal in a guardian to defraud or destroy his ward than any other person.

In making these remarks I am aware that no law can restrain us from doing what we may think proper in our official characters as Senators; and that, while acting in that character, we are not amenable to any court. It follows, of course, that whatever act may be passed by Congress to protect the journals of the two Houses cannot prevent either House from passing resolutions, with a view to mutilate, obliterate, expunge, alter, disfigure, or otherwise destroy or injure their journals, or subject the members to punishment for passing such resolutions; but still a law, making it penal to destroy or injure them, will not be without great and salutary effect in protecting the journals, even against the two Houses. We may order the expunging or destroying of the journal either in whole or in part, but we cannot perform the act. That must be the work of an agent. Some one must be ordered to do it; either the Secretary, or some one else. Though the order may not make us amenable to the laws, it cannot exempt the Secretary, or whoever may be ordered to perform the odious and unconstitutional act, from responsibility. In a court of justice, on an indictment for the violation of law, it would be so much waste paper when opposed to an act of Congress and an express provision of the constitution. Our Secretary, as well as all our other officers, from you (addressing the Vice President) to the lowest clerk, are all under oath to support the constitution. Each, when he comes to act, must judge for himself, and act on his own individual responsibility. If the members of this body should misconstrue or disregard the injunctions of the constitution to keep the journal, that would not justify the Secretary, should he be ordered to expunge or destroy the journal. What he ought to do in such an event is a case of conscience; that he must decide for himself; and I do trust that, if the members of this body should be so regardless of the solemn obligation imposed by their oath as to give such an order, neither our present nor any future Secretary would be found wanting in the requisite firmness and virtue to resist an order so clearly unconstitutional. But such may not always be the case; and, in such event, the beneficial effects of proper penal enactments to protect the journals from being expunged or destroyed would be experienced. He who might not be restrained by the sanctity of an oath, may be by terror of punishment; and a Senate, impelled, by party spirit and party discipline, to order the performance of an act in subversion of the constitution, might find itself arrested by the refusal of its selected agent, under the terrors of the laws, to perpetrate the criminal act. Thus, a law to preserve and protect the journals of the two Houses, and other public records, by inflicting condign punishment on all who may destroy or injure them, may be found in practice to be an efficient protection against the danger to which they may be exposed, in high and violent party times, from the Houses themselves.

It is too late to suppose that party violence and discipline could not possibly drive the Houses to an act so palpably in violation of the constitution, and the high duty they are under to preserve the public record as the precious and sacred depository of the acts of the legislative and judicial departments of the Government. After what has already passed here, as well as in several of the State Legislatures, the danger can no longer be considered imaginary. As monstrous as it may seem, it can no longer be doubted that those who by the constitution are made keepers of the journals, their protectors and guardians, may so far forget their duty as to be the first to aim at their destruction. Admonished by what has occurred, and looking forward to what may hereafter follow from the present attempt, every one, be his party what it may, who is desirous to see some restraint imposed on the violence and madness of party, ought to aid to throw around the journals and other public records every guard that may contribute to protect them against the destruction to which the rage of party war may hereafter expose them.

I have great confidence in the Committee on the Judiciary, and have no doubt, should the resolution be adopted, they will give the subject a thorough investigation; and, should their opinion concur with mine, they will, I doubt not, be able to devise the proper measures to effect the important object intended to be accomplished.

Mr. NILES said that, as the resolution was merely one of inquiry, he felt reluctant to object to its passage, although he could not perceive the force of the reasons the honorable Senator [Mr. Calhoun] had urged in its support. Neither had he any objection to the gentleman's discussing on this question the resolution before the Senate offered by the Senator from Missouri; he could, if so disposed, go into that inquiry, and examine the power of the Senate over its journal, and its right to correct or alter the same. But he was not disposed to follow the gentleman in this course, or to reply to his arguments on that subject. At the proper time he proposed to offer his sentiments on that resolution. He did not perceive either the force or consistency of the gentleman's reasons for the adoption of his resolution. At one moment he informs us that there are no legal provisions whatever for the security of the public records and the journals of Congress; that there is no obligation to preserve them; and that they may be destroyed by any one, by the Secretary of the Senate himself, with impunity. Then again we are told that the provisions of the constitution are so clear and strong that they cannot be mistaken or perverted, and that they impose on the Senate the most sacred obligation, not only to keep a journal, or cause their proceedings to be recorded by the Secretary from day to day, but likewise to take care of and preserve the journal. If the gentleman is right in his construction of the constitution, (and I am not now disposed to deny that he is,) it appears to me that there is an obligation of the highest nature, so far at least as the Senate is concerned. The journal of the Senate is a public record of the highest authority, and is so regarded in courts and elsewhere—a record which we are enjoined to make and preserve by the constitution, according to the gentleman's construction of the provision relating to this question. How, then, can it be said that there is no security for these records? Is there no authority in the constitution? If it imposes so sacred an obligation on the body, can it be said there is not protection or security for the preservation of our journal? But perhaps the gentleman means that there is no legal sanction--that there can be no punishment for mutilating, defacing, or destroying the journal. If the journal of the Senate is a public record, and made such by the constitution, is it not a crime to destroy it, upon general principles, upon the principles of the common law? To violate the constitution must be an offence. He felt reluctant to oppose a resolution of inquiry only, but could not perceive, from the gentleman's own view of the subject, that there was that necessity for legislation which he professed to feel, and which he so earnestly pressed on the Senate.

Mr. SHEPLEY said, ordinarily I should not be disposed to make any objection to a resolution of inquiry; and if I regarded this as coming properly within that class of resolutions, I would most readily consent that it should go to the committee. From the language of the resolution, as well as from the remarks of the Senator who introduced it, we may understand the object of it. The object thus understood is, by indirection, to withdraw from the regular action of the Senate the resolution of the Senator from Missouri proposing to expunge a resolution now upon the journal of the Senate. The resolution of the Senator from Missouri is now regularly before the Senate for consideration, and all the Senators have full opportunity to express their opinions upon it. It is right and proper that such opportunity should be given, and that a decision in the usual course should be had upon it. It is not of a character to require that it should be sent to a committee to report upon it. The Senate is already in possession of all that relates to its proper action upon it. If, however, it was to be sent to a committee, it ought to be done by a direct motion to commit it, instead of attempting, by the introduction of another resolution, using the very term expunge, to strike a side blow at that resolution.

The Senator from South Carolina seems disposed to dictate to the officers of this body whether they should or should not obey the orders of a majority of the body. The propriety of one member of the Senate assuming to prescribe to an officer of the Senate, before that officer is called upon to act, what ought to be his course when called upon by a majority of the body to do an act in obedience to it, must be left to the judgment of the Senate. It seems to me, to say the least of it, to be a most extraordinary proceeding. I think this resolution should be laid upon the table; but, as some other Senators may desire to express their opinions upon it, I will not now make the motion.

Mr. BENTON observed that, in looking over the Directory, he found that the Committee on the Judiciary, like all the other important committees of that body, was composed of a majority of those members who were in the majority in the Senate when the committees were chosen. He found that committee to be—Mr. Clayton, chairman; Messrs. Buchanan, Leigh, Preston, and Crittenden.

Now, every body knew, if this resolution should be sent to them, what the report of that committee would be. The report would, in fact, be the speech of one of these gentlemen on the floor; and the only difference there would be between them would consist in one being dignified with the name of a report, while the other would be simply called a speech. The only object of referring the resolution would be to get a report from the committee adverse to the expunging resolution he had introduced. He should look upon such a report in no other light than the speeches of members of the committee, made up in the committee room. He did not know whether it was perfectly regular, according to parliamentary practice, to take one subject already under the consideration of the Senate out of its hands, by sending another immediately relating to it to one of the committees. He was not disposed to make any formal motion upon the subject; but he would observe that expunging seemed to be one part of the business, and the right and justice of the condemnation another; and gentlemen were called upon to consider how far the sentence they had pronounced was consistent with truth and justice, and how far they could intrench themselves behind technicalities, to avoid going before the country on the merits of the case. They were aware (Mr. B. said) that the country had decided on the merits of the sentence they had pronounced, and decided against them. They had better, in his opinion, meet the subject on its merits, than rely on their speeches, worked up into the form of a report, in one of the committee rooms of the Senate.

Mr. CLAYTON said that, as a member of the Committee on the Judiciary, to which this resolution proposed a reference, he was not anxious for the accumulation of labor, nor did he believe that a majority of its members felt any ambition to consider or report upon such a subject as that presented by the expunging resolutions. But, in answer to a remark of the Senator from Missouri, [Mr. BENTON,] that every body knew, if the resolution of the gentleman from South Carolina [Mr. CALHOUN] should be sent to them, what the report of that committee would be, he would say that, if the Senator from Missouri could foretell the contents of that report, it was more than he (Mr. CLAYTON) could do. The question involved in this resolution is, what legal enactments (if any) are necessary to prevent the forgery, alteration, or mutilation, of the records of Congress? The question upon which the individual members of the committee have heretofore expressed an opinion is a very different one, being merely whether these records shall or shall not be altered or expunged. We have said by our votes, during the last session, that they shall not be altered or expunged, and we have not yet found among us any one who has been guilty of the design to obliterate or expunge these records. The Senator from Missouri has nevertheless informed us that we are now divided on this old question as four to one, and his observation was so made as to leave no room for any one to doubt that he referred to the Senator from Pennsylvania [Mr. BUCHANAN] as the dissenting member of the committee. Sir, what authority has he for this? How does he know that the member from Pennsylvania has abandoned his whole ground on this question? We all remember that, when the expunging resolutions, as they are termed, were last year called up by me, in obedience to resolutions of the Legislature of the State I have the honor in part to represent, and rejected by an overwhelming majority of the members of this body, comprehending men of all parties here, the Senator from Pennsylvania expressed himself decidedly against them, and voted with us against them. How does the Senator from Missouri know, then, that this gentleman is now prepared to reverse his vote? Then, as to the real and only question before the Senate, whether any and what legislation is necessary to protect the journals from frauds, forgeries, or mutilation, I defy the Senator from Missouri to point out an instance in which any one member of the committee has ever expressed any opinion on the subject, or to show the slightest foundation for his opinion that others know what the contents of our report will be. No, sir; this question is now presented for the first time, and although we do not court the inquiry, for reasons which must be manifest to others, yet we shall not shun it if the Senate really desires to secure the public records of the country against the open exercise of lawless power or secret frauds.

Mr. WALKER said that there was at least one objection to the motion, as it now stood, of the Senator from South Carolina, [Mr. CALHOUN,] which he thought it proper to state to the Senate. That motion asked to be considered by a committee of the Senate "the expediency of providing proper measures for the safe keeping of the journals of the two Houses." Now, are we not attempting by this motion to assume jurisdiction in relation to a matter over which we have no constitutional control? The constitution says, "Each House shall keep a journal of its proceedings." What right, then, has the Senate to direct the proper measures for the safe keeping of the journal of the other House? Each House is to keep a journal only of its own proceedings. What right, then, have we to direct the method in which the other House shall keep its journal? The constitution requires two journals to be kept, one by each House; journals that are distinct and separate; journals that the constitution requires to be kept distinct and separate, and by different journals; and yet we are asked to blend these journals into one by a new species of political fusion, and direct the mode in which the other House shall keep its own journal, in defiance of a clear constitutional provision, conferring upon each House, separately, the sole prerogative of keeping its own journal. This distinction cuts deeper into the question of the expunging resolutions now before this body, and conceded to be sought to be reached by this motion, than perhaps the gentleman from South Carolina supposes. This distinction (sought to be broken down by the adoption of this motion) demonstrates that each House has the exclusive control over its own journal, and can alone direct the manner of keeping the journal of its own proceedings. The manner of keeping each of these journals is, to some extent, designated by the constitution, and the very distinction which Mr. W. said he had alluded to demonstrated that to keep a journal of our proceedings meant only to note down an account of our proceedings from day to day; for, had the constitutional provision related to the preservation of a journal of both Houses after it was made, it would not have left this direction to the mere naked operation of a separate rule of each House, after the journal of the two Houses was made. The whole direction is to make a journal, and the manner in which that shall be done is directed by the constitution. Each House is to make its own journal of its own proceedings; it is then to publish that journal. The direction is to publish, not to preserve, unless, indeed, publishing the journal was considered the best mode of preserving the journal. Had the direction, indeed, been to Congress to keep a journal of its proceedings by the operation of some law to be made in pursuance of a constitutional injunction, then, indeed, might there have been some ground to contend that to keep a journal meant to preserve a journal already made. But, as the constitution now stands, every moment that the Secretary is noting down our proceedings here, from day to day, he is fulfilling for us the constitutional injunction upon the subject of keeping a journal. If this clause in the constitution had any other meaning, and some law were required upon a subject that is confided to the exclusive separate authority of each House, it is most extraordinary that the discovery is just now made, after the lapse of nearly half a century, since the adoption of the constitution. No law is required, none can be made, to direct the manner in which we shall keep our own journal. But the resolution of the gentleman from South Carolina contemplates "legal enactments;" enactments which that gentleman has conceded are designed to operate upon this body, and to prescribe the mode in which it shall keep its own journal; legal enactments to interfere with a subject confided by the constitution to the exclusive separate control of each House. Mr. W. denied the constitutionality of any such enactment. This direction as regards keeping a journal was, in that section of the constitution, designating only the separate powers of each of the two Houses, not their legislative powers in their joint capacity as the Congress of the United States. As well might you attempt to legislate as regards our sole power to judge of the qualifications of our own members, or the determination of our own rules of proceeding, as to regulate by law the manner in which we shall keep our own journal. Mr. W. said he should, therefore, oppose the adoption of this resolution.

Mr. EWING said he thought the doctrine advanced by the Senator from Mississippi somewhat extraordinary. I cannot (said Mr. E.) comprehend how a law to preserve our journals, which the constitution requires us to preserve, can be a violation of the constitution. It is very true Congress has no power to pass a law directing how we shall keep the journal, nor what we shall enter upon it—for that matter is intrusted by the constitution to each House of Congress for itself;

but I really cannot comprehend wherein the resolution proposed by the Senator from South Carolina militates against that constitutional provision.

[Mr. WALKER explained that the resolution of the gentleman from South Carolina went further, at least to the safe keeping of the journals of the other House, with which we had nothing to do; and as regards any legal enactments in regard to our own journal, it was conceded by the gentleman from South Carolina that his object in this resolution was to prevent, by law, any expunging of our own journal, by any order even of this body; that he sought to regulate by law the manner in which we should keep our own journal, and, therefore, the object thus embraced in this resolution was, at least, so far unconstitutional.]

Mr. EWING resumed. The Senator from South Carolina has very well observed that our records are now unprotected against any act of violence that any one may choose to perpetrate upon them. If an individual not at all connected with the Senate, or with the keeping of the records, should lay hands on them, and violently destroy or deface them, what could the Senate do? Punish him for a contempt, if done in the face of the body in session; if done at any other time, we are wholly powerless. One gentleman has said the constitution is a sufficient protection of the records. How so? Where is the penal sanction for destroying what it requires should be kept? There is none. No indictment could be framed under it, for the common law has no effect in this Union in cases of crime. So far, then, from such a law as is proposed violating the constitution, its effect would be to enable each House of Congress more effectually to protect and preserve what the constitution requires them to keep. It would be placing a guard, by law, around those records which the constitution says shall be preserved.

As to the effect of such a law on the resolution of the Senator from Missouri, it depended wholly on the constitutional power of this Senate to destroy or obliterate the records of the last. If they have the power under the constitution, the order of the Senate would justify the Secretary in making the erasure. If we have no such power, he would be criminal, notwithstanding such order.

Mr. E. said he was under the impression that the public records of all the States were protected by law. He was very certain that they were so protected in Ohio, and that to alter or deface them was a crime. He saw no reason why the same protection should not be extended to the records of the general Government.

Mr. SHEPLEY here moved to lay the resolution on the table; and this question was decided in the affirmative, as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing of Illinois, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Shepley, Tallmadge, Walker, Wall, Wright—19.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Mangum, Moore, Robbins, Southard, Swift, Tomlinson, White—15.

DISTRICT OF COLUMBIA.

The bill for the relief of the corporations of the District of Columbia having been read a third time,

Mr. MORRIS asked for the yeas and nays; which were ordered.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, Walker—17.

NAYS—Messrs. Black, Calhoun, Hill, Hubbard, Morris, Niles, Shepley, Swift, Tomlinson, Wright—10.

So the bill was passed, and sent to the House of Representatives for concurrence.

MILITARY WARRANTS.

On motion of Mr. EWING, of Ohio, the Senate proceeded to consider the bill to extend the time for issuing scrip certificates on United States military land warrants.

After some discussion, in which Mr. EWING of Ohio, Mr. KING of Georgia, Mr. TOMLINSON, and Mr. CLAY, took part,

Mr. CLAY moved a proviso, limiting the amount of lands to be granted by this bill to 20,000 acres.

The amendment was agreed to, and the bill was ordered to be engrossed and read a third time.

After some time spent in consideration of another bill concerning lands, the Senate, without concluding,

Adjourned to Monday.

MONDAY, MARCH 28.

TERRITORIAL GOVERNMENT OF WISCONSIN.

Mr. CLAYTON earnestly called the attention of the Senate to the bill on the files to establish a territorial Government in Wisconsin, and moved that the Senate do now postpone all the previous orders for the purpose of taking up that bill. He proceeded at some length to explain the importance of speedy action on this subject; and in the course of his remarks, urging the action of the Senate, he observed that there was now no law to restrain, punish, or prevent crime in that part of the Territory not embraced in the act of the 30th of January, 1823, to provide for the appointment of an additional judge for the Michigan Territory. By this act, an additional judge was appointed for the Michigan Territory, who, as the first section enacts, "shall possess and exercise within the counties of Michilimackinac, Brown, and Crawford, as said counties were then defined and established, the jurisdiction and power theretofore possessed and exercised by the supreme court of the Territory, and to the exclusion of the original jurisdiction of that court. This act gave no law for the punishment of crime in any other part of the vast country embraced in the Territory of Wisconsin than the three counties specially enumerated in the act, as those counties were then defined and established; and the late act of Congress, extending the territorial Government of Michigan over Wisconsin, by attaching the latter to the former Territory, had not remedied the defect. Accordingly, the judge of the court appointed under the act of 1823 has decided that he has no jurisdiction over crimes committed out of those three counties, and in the case of a murder committed in the county of Dubuque, the murderers were discharged, after argument before the judge, for want of power to punish them.

The Committee on the Judiciary had recently received intelligence that, for want of law to punish these murderers, one of them had been a few weeks since deliberately shot down in the public streets of the town of Dubuque, and was dying when the person who communicated this intelligence was writing his letter. [The Delegate of the Territory, who was standing near, observed that he was since dead.] Mr. C. observed that Congress ought not any longer to permit this state of things to exist. One of the largest and most fertile portions of our country was, by the neglect of Congress, permitted to remain the scene of lawless violence, where private vengeance was the substitute for public justice. Let us act on this subject, therefore, sir, (said he,) promptly; and if we do our duty towards this noble

Territory, the day is not distant when it will be made to appear (as the committee which reported this bill has already declared,) that it is capable of supporting the population of an empire.

Mr. CLAYTON's motion was then put and carried, and the bill was taken up for consideration.

Mr. **CLAYTON** then moved to substitute for the bill, as reported, the amendment which he had laid on the table on Friday last, and which was then ordered to be printed for the use of the Senate. In support of this motion, he proceeded to explain the principles of the bill, and of the amendment which he offered as a substitute for it; and concluded by expressing his willingness to give any other explanation, if desired by any member, should any not be satisfied with the proposition.

When Mr. C. concluded, the amendment he offered was adopted by the Committee of the Whole, and the bill was then ordered to be engrossed for a third reading without a division.

ADJOURNMENT.

The Senate proceeded to the consideration of the joint resolution submitted by Mr. KING, of Alabama, assigning the 30th of May next as the end of the present session of Congress.

Mr. **CRITTENDEN** moved to amend the resolution by making the day of adjournment the 20th instead of the 30th of May.

Mr. **BENTON** could not consent to adjourn, and leave nearly the whole business of the session undisposed of. Experience would enable every gentleman to know that, in the vast amount of business before them, there were particular subjects which alone would occupy a whole month. Except those seven bills mentioned by him the other day, they might say they had been here about four months without doing any business. There was not a dollar yet appropriated for fortifications. He read an extract from a newspaper published in Pennsylvania, to show how the people were deluded by the delay of these appropriations; from which it appeared, by a calculation in relation to the distribution of the surplus funds, that it was expected the proportion of that State would be upwards of two millions of dollars. This great accumulation of public moneys was on the same principle as water dammed up, in which case there would be more water above than below. Mr. B. enumerated some of the most important subjects that were to be acted on, some of which would take up half, and one or two the whole of the time allowed by the resolution. There was upwards of twenty millions to fortifications, &c., that ought alone to have been appropriated before this time; and on another subject there was five and three quarter millions, which, if the Senate carried out their pledge, must be appropriated—making a total of about twenty-seven millions. And were they to go on fixing an arbitrary day, within which they could not possibly do the business? They were sent here to do the public business, and it was their duty to do it. They were not sent here to adjourn when they got tired, but to dispose of the business intrusted to them. He would join hands with gentlemen for as early an adjournment as possible, and would pledge himself to go to work as industriously as any one to effect it. But he was not willing himself, and as the friends of the administration were now in the majority, he hoped they would not consent to adjourn and leave the business undone. He wished to go on and work industriously at the business, and as soon as they got done with it to adjourn.

Mr. **CLAYTON** was glad to hear that the Senator from Missouri was so anxious to go to work on the public business. The gentleman said that the appropriation bills ought to have been passed before this; but who was to blame for the delay of those bills? Sir, (said Mr. C.,) no member of this body has retarded the appropriation bills more than the Senator himself. The debate on his fortification resolution, and on his expunging resolution, had almost expunged every thing else from the Senate. There was no way that he knew of, of getting at the appropriation bills. He was agreed to lay the resolution of the Senator from Alabama, for the present, on the table, for he did not believe that they could, consistently with a due regard to the public service, fix on the day of adjournment at this stage of the session. He supposed that this expunging resolution must have its full share of debate; and he thought they had better go on and debate it, and when they had done, proceed earnestly with the despatch of the public business.

Mr. C. then moved to lay the resolution on the table; but withdrew the motion at the request of

Mr. **MANGUM**, who hoped the resolution would not be laid upon the table. He thought their former experience put it beyond all question, that the subject introduced by the Senator from Missouri would occupy them until next Christmas day, if gentlemen indulged themselves in long speeches, instead of attending to the public business. Complaints had been made that, at this late period of the session, the appropriation bills had not been acted on. But he would ask why this was so. The appropriation bills had not been brought there; and the responsibility was neither on that body nor with those with whom he acted. What had delayed the public business? First, the resolution of the Senator from Missouri, resolving that the surplus revenue should be appropriated to the defence of the country. The mere resolving this proposition did not expedite the public business; and it would have been much better to bring in a bill that could have been acted on at once. He thought that by fixing the day of adjournment they would expedite the business of the Senate. He was much gratified at the quarter from which this resolution for adjournment came. He looked upon it as an administration measure, and as an evidence that they were disposed to proceed earnestly to the despatch of business, instead of wasting time in long wire-drawn debates, that were only calculated to drill political parties. Let us, said he, by fixing the day of adjournment, bring back the practice of Congress to those good old times when the sessions were shorter, and more business was done in them.

Mr. **KING**, of Alabama, had fixed upon the day without consulting the administration or any other party. If the Senate had occupied a great deal of time in debate, he would ask whether the honorable Senator from North Carolina [Mr. MANGUM] had not had his full share of it. He wanted to fix an early day, and then adapt their work to it; and, in so doing, he cared not where the responsibility rested. He would repeat what he had before observed, that when an early day was fixed on, speeches were shorter, and business was done as well, and with greater despatch. He had fixed on the 30th as the earliest period within which he had thought they could get through with the business, and was rather surprised that any Senator should fix an earlier day. Had Senators, in doing so, any political object in view? He was not certain that they could get through the business by that time, (the 30th,) but could see no reason why it should not pass the Senate; and if, when it came to receive the action of the House, it was ascertained that it was impossible to get through the business by that time, the period of adjournment could then be fixed at a more distant day. He thought they ought to go on and get through with the business, without regard to party considerations. They owed it to themselves and to the country, to despatch the business as soon as possible, and adjourn.

Mr. **MANGUM** referred to the journals of last session, to show that, on the last day of January, they had passed only sixteen bills; and although it was the short session, they passed one hundred and forty bills before the adjournment. Their whole experience showed that business could be done in less time than it usually was done.

Mr. CLAYTON then renewed his motion; and the question was taken, and decided as follows:

YEAS—Messrs. Benton, Calhoun, Clayton, Grundy, Kent, Morris, Rives, Robbins, Ruggles, Southard, Tallmadge—11.

NAYS—Messrs. Black, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Ewing of Illinois, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, McKean, Mangum, Moore, Nicholas, Niles, Porter, Prentiss, Preston, Robinson, Shepley, Swift, Tomlinson, Walker, Wall, White, Wright—30.

The question was then taken on Mr. CRITTENDEN's motion, and decided in the negative: Yeas 21, nays 21; the Chair voting in the negative:

YEAS--Messrs. Black, Calhoun, Clay, Crittenden, Ewing of Illinois, Hill, Hubbard, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard--21.

NAYS--Messrs. Benton, Buchanan, Clayton, Cuthbert, Davis, Ewing of Ohio, Grundy, Hendricks, Kent, King of Alabama, Niles, Robbins, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, White, Wright --21.

Mr. CLAY then moved to amend the resolution by making the 23d of May the day of adjournment, which motion prevailed: Yeas 28, nays 14, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Hill, Hubbard, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard, Swift, Tomlinson, Walker, Wall—28.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Grundy, Hendricks, Kent, King of Alabama, Niles, Robbins, Ruggles, Shepley, Tallmadge, White, Wright--14.

The resolution, as amended, was then adopted: Yeas 34, nays 8, as follows:

YEAS--Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Ewing of Illinois, Hill, Hubbard, King of Alabama, King of Georgia, Knight Linn, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Niles, Porter, Prentiss, Preston, Rives, Robinson, Shepley, Southard, Swift, Tomlinson, Walker, Wall, Wright—34.

NAYS—Messrs. Benton, Clayton, Grundy, Hendricks, Robbins, Ruggles, Tallmadge, White—8.

EXPUNGING RESOLUTION.

Mr. CLAYTON stated that as the expunging resolution had been laid on the table at his suggestion, he would now move to take it up for consideration, as the Senator from Virginia [Mr. LEIGH] was then in his seat.

The motion was agreed to, and the resolution being under consideration,

Mr. RIVES rose and addressed the Senate, in substance, as follows:

If no other gentleman, Mr. President, be disposed to do so, I will avail myself of the opportunity afforded by the motion of the Senator from Delaware, to trouble the Senate with some remarks on the subject now under consideration. In doing so, I do not propose, at this time, to go into the wide field of diversified and interesting matter opened for discussion by the resolutions of the Senator from Missouri. My purpose will be to confine myself, at present, strictly to the constitutional question which has been raised as to the power of this body to expunge from its journal an entry heretofore made upon it, trusting to the indulgence of the Senate, in a future stage of the discussion, to be permitted to present my views of the other highly important questions involved in the general subject. I propose thus to limit my remarks for the present, because the constitutional question is naturally and properly preliminary to all the rest, standing first in the order of discussion, as well as first in importance; for, however justly obnoxious I deem the resolution of March, 1834, to the various exceptions which have been taken to it, it certainly ought not to be expunged, unless, under the constitution, we have the rightful authority to do so. It seems proper to confine my remarks, for the present, to this single view of the subject, for the further reason that, as yet, the able and lucid arguments of the Senator from Missouri on the other branches of the discussion have remained without any answer, or even an attempt to answer them.

A free people, Mr. President, and especially the enlightened people of this country, are naturally and wisely jealous of the observance of their fundamental law, and acutely sensible to any violation, actual or meditated, of its provisions. Hence it is that, in the warfare of parties, appeals are so frequently made to this patriotic instinct in the public mind, and alarms, often groundless and artificial, attempted to be raised in regard to the security of the constitution. Hence it was, I presume, that in the memorable contest of which this chamber was the theatre two years ago, the President was denounced as a usurper of ungranted power, as a violator of the constitution and the laws of his country; when, if all that was alleged by his adversaries could be sustained, it would have made but a case of the misapplication or abuse of power granted both by the constitution and the laws. Hence it is, too, I suppose, that, on the present occasion, a new panic is attempted to be raised, by holding up the image of mutilated records and a violated constitution, and that the exercise of a lawful discretionary power over their own journals and proceedings, which has been known and admitted since the origin of legislative bodies, and is familiar in parliamentary practice wherever such bodies exist, is represented as something monstrous, iniquitous, and even felonious. If gentlemen expect thus, by the use of strong language, bold assertion, and vehement denunciation, to carry the public judgment by storm, they will, in my humble opinion, find themselves wofully deceived. The public mind is, at this moment, calm, self-balanced, scrutinizing, inquisitive; and, instead of mere assertion and vague denunciation, it will require reason, argument, proof.

It is in this spirit, Mr. President, that I shall proceed to the examination of the objection which has been made to the proposition under consideration, on the ground that it demands an act to be done which is forbidden by the constitution. What, sir, is the argument of gentlemen on this subject, so far as argument has been attempted? It is, that as the constitution requires that "each House shall keep a journal of its proceedings," an entry once made upon that journal can never thereafter be, in any manner, touched, altered, or removed; that, if we do so, we fail, from that moment, in the language of the constitution, to "keep a journal of our proceedings." The connexion between the premises and the conclusion in this reasoning is, I must confess, Mr. President, to my mind incomprehensible. If this body shall, by a formal resolution, entered on its journal, direct a previous entry, improvidently, wrongfully, or erroneously made, to be corrected or removed, does it follow from thence that we do not still keep a journal? On the contrary, this very proceeding, in being entered on the journal, and imbodying the whole history of the transaction, is itself a fulfilment of the constitutional injunction in its true and well-understood sense—that of writing down, from day to day, our daily transactions as they transpire.

But it is not my intention, Mr. President, to discuss this question on the niceties of verbal criticism. I choose rather to take it up on broad views of the common sense and practical meaning and operation of the constitution. While the constitution requires that each House shall keep a journal of its proceedings, it does not direct how that journal is to be kept. The manner of keeping it, what is to be put upon it, what not; the nature, the form, the fulness of the entries, are all matters left for the regulation and control of the body whose duty it is to keep the journal. In these respects there is great diversity of usage among legislative bodies. By some, the entire bill presented for its action is spread on the journal, as was done during the first two Congresses under the present constitution by this body. By others, the title of the bill only is entered on the journal, as is now the practice both of this House and the other branch of Congress. By some, the reports of committees are entered in full on the journal, as was done by the old Congress under the articles of confederation, and is still practised, I believe, by the Legislature of Virginia. By others, the resolutions only, reported by committees, are admitted to a place on the journal. According to the rules and practice of some legislative bodies, as, for example, of this, proceedings in Committee of the Whole are entered on the journal; while in others, as in the House of Representatives, no notice whatever appears on the journal of what has been done in Committee of the Whole. I might mention, also, as illustrating the discretionary power which every legislative body possesses over its journal, the apparently anomalous practice, founded, however, on long usage, of both this House and the other, to enter on their respective journals the messages of the President, though not forming a part of their own "proceedings," of which only they are required to keep a journal.

It results from these considerations, that although each House of Congress is bound to keep a journal of its proceedings, yet that journal, as to the manner of keeping it, the nature and character of its contents, what is to be upon it, what not, is necessarily subjected to the control of the body whose duty it is to keep it. This control is an inseparable part of that self-governing power, in all matters of interior economy and parliamentary regime, which the constitution expressly delegates to either branch of the legislative department. Each House, by the constitution, is "to choose it own Speaker or President, and other officers." "Each House, also, shall be the judge of the elections, returns, and qualifications of its own members." "Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member." "Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy." In regard to all these powers and functions, a very large discretion is necessarily left to either House, in the exercise of which abuses doubtless may be committed. But the possibility of abuse is no argument against the existence of a power. Congress has, by express and unequivocal grants in the constitution, power "to lay and collect taxes," &c., and "to raise and support armies." In the exercise of these powers, Congress might raise, even in time of profound peace, an army of half a million of men, and levy upon the people annually two or three hundred millions of dollars for their support, converting one half of the nation into soldiers, and the other half into paupers. There could be no grosser abuse; and yet the constitutional power would still be indisputable. Where it has been deemed necessary and proper, for the public good, to vest any particular power in the Government, or a department of it, the constitution grants the power, and provides securities against its abuse in the structure and organization of the Government itself. The periodical election of the public functionaries by the people, and for the most part for short terms, their responsibility to their constituents, and the constant influence and control of public opinion, are relied upon in our system as conferring every reasonable security against the gross abuse of necessary powers.

The large discretionary power which the constitution has left to either House of Congress over its journals is strikingly exemplified in the provision respecting their publication. Each House is required by the constitution to publish its journal from time to time, excepting such parts as may, in their judgment, require secrecy. Now, under the terms of this provision, either House of Congress, if disposed to abuse the trust reposed in them, might suppress and withhold from the knowledge of the people the most important part, if not the whole, of their proceedings, under the plea that they were such as, in their judgment, required secrecy.

In the jealous apprehensions which were entertained at the time of the adoption of the constitution, of the encroachments and abuses of the new Government, this objection was strongly urged against the clause in question; but it was replied, and with success, that every legislative body must have the power of concealing important transactions, the publication of which might compromise the public interests; and, as it was impossible to foresee and enumerate all the cases in which such concealment might be necessary, they should be left to the sound discretion of the body itself, subject to the constitutional responsibility of members, and the other securities provided by the constitution against the abuse of power. These securities have hitherto been found sufficient, and, in point of fact, the journals of both Houses have been published from day to day, with such special and limited exceptions as have been universally approved by the public judgment.

This publication, when made, is the practical fulfilment and consummation of the design of the constitution in requiring a journal to be kept, by either House, of its proceedings. It is agreed, on all hands, that the great object for which a journal is required to be kept is, to give authentic information to our constituents of our proceedings; and that information is to be given, as the constitution provides, by means of a publication, from time to time, of the journal itself. The requisition to *keep* a journal, on which gentlemen have laid so much stress, is therefore merely introductory, or what the lawyers call matter of inducement only, to that which forms the life and substance of the provision, to wit, the *publication*, from time to time, of the journal. The whole structure and sequence of the sentence sustains this interpretation. "Each House shall keep a journal of its proceedings, and, from time to time, *publish* the same." It is evident that the whole practical virtue and effect of the provision is in the latter member of the sentence, and that the former would have been implied and comprehended in it, though not expressed. It will be seen that the corresponding provision in the articles of confederation was founded explicitly on this idea; for, presupposing the keeping of a journal as a matter of course, it proceeded at once to require that "Congress shall publish the journal of their proceedings monthly, excepting such parts thereof, relating to treaties, alliances, or military operations, as, in their judgment, require secrecy."

Nothing was said of *keeping* a journal, that being presupposed, and necessarily implied; but can any one doubt, though the articles of confederation were silent as to keeping a journal, that Congress was as much bound to keep a journal of their proceedings under that instrument, as each House is now bound to do under the existing constitution? How could they make the required monthly publication of their journal, unless a journal were kept by them? The requisition, therefore, in the present constitution, to keep a journal, is but an expression, for the sake of greater fulness, of what would otherwise have been implied, and serves only as a more formal introduction to the practical end and substance of the constitutional provision on the subject, and that with which it emphatically concludes, to wit, *the publication*, from time to time, of the journal. That publication once made, and the people put in possession of the authentic evidence of the proceedings of their agents, the purposes of the constitution are fulfilled, and the preservation of the original manuscript journal becomes thenceforward an official formality.*

Even if the true and only meaning of the requisition to *keep* a journal were that which has been so much insisted on, that is, to *preserve*, do not gentlemen perceive that the preservation of the journal is fully and most surely accomplished in its publication? The thousand and ten copies which the Secretary has told us are regularly printed and distributed by order of the Senate to the members of Congress, to the various public functionaries, to the State Governments, to public institutions and societies throughout the Union, furnish a far better security for the preservation of the journal than the most scrupulous care and vestal guardianship of the original manuscript; which, in spite of every precaution, might yet be lost or destroyed by inevitable accident. These multiplied printed copies, while placing the preservation of the journal beyond the reach of contingency, are, at the same time, for every practical public use, whether of legal evidence or political accountability, on a footing of equal validity with the manuscript original.

The numerous parliamentary precedents in England, as to the power of legislative bodies over their journals, are not denied; but it is contended that those precedents should have no weight here, because the constitution of the United States expressly requires that each House of Congress shall keep a journal; while, in England, it is said no such requisition exists in regard to either House of Parliament. The requisition in the constitution of the United States, I have already shown, is but declaratory of the natural and pre-existing law of all legislative bodies, of whose organization and functions it is a necessary and invariable incident to keep a journal of their proceedings; and in this view I am borne out, not only by the example of the articles of confederation, but by that of several of the State constitutions, which, presupposing the keeping of a journal as a matter of course, provide only, after the manner of the articles of confederation, for the periodical publication of it from time to time. But, without dwelling farther on this view of the matter, it is altogether a mistake to say that there is no positive requisition that either House of Parliament in England shall keep a journal of their proceedings. I find the classic historian of that country stating that, in 1607, when the nascent pretensions of the Stuarts, and the spirit of the age, first made the House of Commons sensible both of its importance and responsibility as a guardian of the public liberty, that body entered a formal order for "the regular keeping of their journals." Subsequently, in 1621, as I learn from another authority not less authentic, (Hatsell,) an entry was made in the journal of the House of Commons, on the motion of Sir Edward Sackville, in these words: "That all our proceedings may be entered here, and kept as records." Now, sir, it is very remarkable that these two orders of the House of Commons contain the identical language of the constitution of the United States, to wit, that a journal shall be kept of their proceedings. In each of them, the magic word to *keep*, which seems to have exerted so potent a spell on the imaginations of gentlemen, is found; and yet we know it has never been held to be a violation of, or inconsistent with, this order to keep a journal of their proceedings, for the House of Commons, in certain cases, to apply an effectual corrective to wrongful or improvident entries previously made in it. It may be said, however, that this order, being made by the body itself, is not obligatory on its own action. To this I reply, that the rules prescribed by parliamentary bodies for their government are always binding upon them, till rescinded or repealed; and while a rule or order is retained, nothing inconsistent with it can be done, unless the rule be first suspended by a vote of the body. Such is the invariable practice, both of this and the other House of Congress, as of legislative bodies elsewhere.

But this matter stands on still higher ground. An act of Parliament, which all will admit is binding on the respective Houses, and which neither House can repeal or control by its separate action, virtually requires a journal to be kept by the House of Commons, in requiring certain entries to be made in it. I refer to the statute of 6 Henry VIII, which provides "that the license for members departing from their service shall be entered of record in the book of the Clerk of the Parliament, appointed, or to be appointed, for the Commons House." The book of the Clerk for the Commons House, here referred to, and in which certain things are required to be entered of record, is of course the journal of the House. But how can these entries be made in the journal unless a journal be kept? This act of Parliament, therefore, requires, and virtually commands, the keeping of a journal by the House of Commons; just as the articles of confederation, already referred to, in providing that Congress "shall publish the journal of its proceedings monthly," virtually requires Congress to keep a journal; for, otherwise, the required publication could not take place.

The distinction, therefore, which has been relied upon to justify the rejection of the British precedents on this subject, is not founded in a just view of the constitutional or parliamentary history of that country. The two Houses of Parliament are, in fact, bound and required to keep a journal of their proceedings, as well as the two Houses of Congress. They are bound to do so by the very nature of their institution, by their own rules and orders, and by the virtual command of act of Parliament. If, therefore, a similarity or community of principle could, in any case, justify arguing from the institutions and usages of the one country to those of the other, it is certainly upon a question like the present. I find that much use was made, on another and recent occasion in this body, of British parliamentary precedents, by gentlemen who seem now inclined to disavow and reject them altogether. If I am not mistaken, the Senator from South Carolina, [Mr. Calhoun,] on the question which was so earnestly and ably debated here recently as to the right of either House to refuse to receive a petition, introduced Hatsell's work, the great repository of British parliamentary proceedings, and drew largely from it in support of the position he maintained, that it would be no violation of the right of petitioning, as guarantied by the constitution, to refuse to receive a petition after presentation.

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* It is a remarkable fact, that there is no original manuscript journal of the House of Representatives in existence from the date of the adoption of the constitution to the 1st session of the 18th Congress, 1823-'24. As soon as the journal was printed and published, it was supposed there was no longer any practical motive for retaining the original manuscript journal, which was, therefore, never taken care of or preserved. Such was the practice during the whole period of the clerkship of the celebrated John Beckley, than whom there never was a more accomplished clerk, and but few abler men; and if there be propriety in the maxim, *cuilibet in sua arte credendum est*, such a practical construction of the constitution, in this regard, by a man so conversant with his business, must be admitted to be entitled to no slight consideration.—*Note by Mr. R.*

[Mr. Calhoun here rose and explained, and was understood to say that gentlemen on the other side of the question in that discussion had referred to the English laws and doctrines on the subject of the right of petition, and that he made use of the parliamentary precedents from Hatsell to show that, in the British parliamentary practice, it was held no violation of the right of petition to refuse to receive a petition.]

Mr. Rives said he had not the pleasure of hearing the speech of the gentleman from South Carolina, but he inferred from reading it that he considered the parliamentary practice of Great Britain as, at least, high authority in reference to the question then under discussion. I am not at all disposed (said Mr. R.) to question the propriety of the application then made by the Senator from South Carolina of precedents from the English parliamentary practice. I mean only to say that, however applicable they may have been on that occasion, they are at least as much so on the present.

The precedents in the British parliamentary practice (which, it must be admitted, has furnished the model, and, to a great extent, the law of the proceedings of our legislative bodies here, and in every State of the Union) are, on the subject now under consideration, full, unequivocal, and conclusive. Some of them have been mentioned on this floor, and are familiar to the minds of gentlemen. I will not repeat them; but there are two cases which, I believe, have not attracted the notice of gentlemen, and which, from the peculiar grounds on which they stand, illustrate so forcibly the high supervisory and controlling power of parliamentary bodies over their journals, that I will take the liberty of detaining the Senate a few moments with their recital. In 1668, Skinner, an English merchant, presented a petition to the King, complaining of various wrongs and outrages he had sustained from the East India Company. The matter was considered not cognizable by the ordinary tribunals, and was referred by the King to the House of Lords. Strong objections were urged to the jurisdiction of the House of Lords; but they, nevertheless, took cognizance of the affair, and finally entered a judgment in favor of Skinner against the East India Company, for 5,000*l.* damages. This proceeding was immediately and earnestly resisted by the House of Commons, as contrary to the law of the land, and an invasion of the rights of the people. A violent and protracted controversy ensued between the two Houses; and the Lords being compelled at last, after a struggle of eighteen months, and repeated prorogations of both Houses, to yield their claim of jurisdiction, they expunged from their journal the judgment they had entered in favor of Skinner against the East India Company, and the whole of their proceedings connected with it; whereupon the Commons, in like manner, expunged from their journal the various resolutions and proceedings they had adopted. In this instance we see a proceeding, even of a judicial character, under which private rights might be claimed, expunged in virtue of the high discretionary authority of parliamentary bodies over their journals; and in such a case, perhaps, the expunction is admissible, mainly on the ground that the obnoxious proceeding took place in the exercise of an illegal jurisdiction, at last admitted to be such, and intended to be renounced, as in fact it was finally abandoned, by the act of expunging the judgment which was its fruit.

The other case to which I have alluded occurred in the proceedings on the recognition bill in 1690. A clause was introduced into that bill on the motion of the whig party of that day, and the friends of the revolution, declaring that the acts of the convention parliament, though assembled without the formality of a royal summons, were good and valid. This was strongly objected to by the tory lords, a number of whom, by the leave of the House, entered their protest against it on the journal.

The Senate well know that it is a distinctive and fundamental principle in the constitution of the House of Lords, that any member or number of members, dissenting from a measure which has passed that body, have the right, with the leave of the House, to enter a formal protest against it on the journal. In this case, the leave of the House was granted. The right of the protesting Lords became thereby vested and complete; and yet it appearing, on a subsequent examination of the protest, that the grounds of objection taken in it assailed, and were subversive of, the principles of the revolution and settlement of the Government just accomplished, the House ordered it to be expunged from their journal; which order was carried into execution, and gave rise to another protest for expunging the former protest.

But the precedents of parliamentary expunging are by no means confined to the land of our ancestors, from which we derive the model of our parliamentary institutions and proceedings. Similar instances have occurred in our own country, both before and since our Revolution, subsequent as well as previous to the adoption of our present federal constitution, both in the State and in the national Legislatures. There is a case in the history of my own State, which, as there appears to have been singular misconceptions about it, the Senate will excuse me for mentioning somewhat in detail. I refer to the expunging of a resolution of Mr. Henry, which took place in the House of Burgesses of Virginia in 1765. This transaction has been referred to as an odious and abortive attempt at expunging, made by the King's party in the House of Burgesses, which was defeated by the energy and talents of Mr. Henry. Such, sir, are not the facts, as transmitted to us by the most unquestionable contemporary testimony. The attempt to expunge was not defeated. The proposition, on the contrary, was carried. It was carried not by an odious King's party, but with the concurrence, as we are authorized to believe from the only account extant of the transaction, of men who were, and who proved themselves to be, among the highest champions of American freedom and independence; such men as Peyton Randolph, the President of the first American Congress, George Wythe, Edmund Pendleton, Richard Bland, Richard Henry Lee, all of whom afterwards put their hands to the declaration of American independence, or bore a conspicuous part in the deliberations which led to and established it. The circumstances were these: Mr. Henry moved a series of resolutions, five in number, declaratory of the rights of the colonists. The four first of these resolutions merely reaffirmed what had been earnestly asserted only six months before by the House of Burgesses in three several documents of the most solemn character—an address to the King, a memorial to the House of Lords, and a remonstrance to the Commons. The fifth resolution, however, went somewhat further, and seemed to tender at once an issue of force with the mother country. These resolutions were opposed by Messrs. Randolph, Bland, Pendleton, Wythe, and other gentlemen, as devoted and firm friends of the rights of America as any of the great statesmen and patriots of that day, but who deemed Mr. Henry's resolutions inexpedient at that moment, inasmuch as the sentiments and principles they contained had already and very recently been expressed in other proceedings, to which the expected answers from the Government in England were not yet received. The fifth resolution was deemed especially inexpedient in the then feeble and defenceless condition of the colony, as it might provoke a conflict of force, for which time and forecast were necessary to prepare. The resolutions, however, under a powerful display of Mr. Henry's eloquence, were passed by one or two votes only; but on the following day, on a motion made for that purpose, and carried, the fifth resolution was expunged from the journal. These are the facts, as vouched by the testimony of Mr. Jefferson and the elder Judge Carrington, (both witnesses of the transaction,) and as recorded by the eloquent biographer of Mr. Henry himself. There was then no odious and abortive attempt to expunge, made by a King's party in the House of Burgesses. The attempt was not defeated, as has been said; on the contrary, the proposition to expunge was carried, and carried, as we are authorized to believe by the only authentic account which has reached us of the transaction, by the influence and with the concurrence of high-souled American patriots—of Peyton Randolph, President of the first Congress, Richard Bland, one of the chosen delegates of Virginia to that glorious assembly, Edmund Pendleton, another delegate, and George Wythe, whose name stands proudly at the head of the Virginia signatures to the declaration of independence. The two last-named gentlemen, Mr. Pendleton and Mr. Wythe, afterwards, and for a long period, respectively presided in and adorned the highest courts of law and equity in the State; and it will be no disparagement, I humbly conceive, to the pretensions of the highest here, to say that they understood as well, and felt as religiously, the sanctity of a record, as any gentleman on this floor.

Examples of the like character have occurred in the other States. In the Senate of Massachusetts, as is well known, a few years after the close of the late war with Great Britain, a resolution was triumphantly carried for expunging from its journal the anti-American sentiment which the baleful spirit of party had recorded there, in the very midst of the conflict—that it was unbecoming a moral and religious people to rejoice in the successes of our arms. At a more recent period, some seven or eight years ago, the Senate of another highly respectable State, (Tennessee,) as I learn from undoubted authority, directed a formal and important entry on its journal to be stricken out; which was done in the very manner proposed by the resolution on your table, by drawing a black line around the condemned entry. But without dwelling on these instances, let us descend to cases which come more immediately home to ourselves. The case which occurred in this body in 1806, and which has been already noticed by the Senator from Missouri, has been in vain attempted to be parried or evaded.* In that case, a formal entry, made on the journal in pursuance of the standing rules of the Senate, and in strict conformity to the truth of facts as they transpired, was ordered to be expunged, and actually expunged. The entry recited the substance of two memorials presented by a member of the Senate, containing grave and criminal insinuations against the Executive, and stated also the proceeding of the Senate, which took place on their presentation. This entry, as I have already remarked, was in strict pursuance of the standing rules of the Senate, the 32d article of which expressly requires that "a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall be inserted on the journal;" and, in general, that "a true and accurate account of the proceedings of the Senate shall be entered on the journal." Now, sir, how is the force of this precedent in the annals of our own body attempted to be parried? Why, sir, by the circumstance that the order for expunging the obnoxious entry was adopted on the same day (the last of the session) that the entry itself was made, it being contended that the journal is not complete till it is read over in the Senate, as it usually is the following morning, for the purpose of correcting any mistakes which may have been made in it; and that, till that ceremony has been gone through, it is under the perfect control of the Senate, and fully open to revision and correction. This is the argument of the honorable Senator from Louisiana, [Mr. PORTER.] It is obvious to remark upon it, in the first place, that it confounds two things entirely distinct in their nature, and wholly different in the principles on which they rest—the correction of mistakes in a journal, and the expunging of matter therefrom, in which there has been no mistake, but which is otherwise and intrinsically objectionable. The purpose for which the journal is ordinarily read over in the morning, after it is made up by the Secretary, is simply to correct any mistakes which may have been made in the entries upon it. This is explicitly declared by the standing rules of the Senate, the very first of which provides that the "President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake shall be corrected that shall be made in the entries."

Now, sir, in the precedent of 1806, there was no mistake in the entry which was ordered to be expunged.

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* In that case, the following are the facts: On the 21st day of April, 1806, being the last day of the session, Mr. Adams presented two memorials, which are thus noticed on the journal:

"Mr. Adams communicated two memorials, one from Samuel G. Ogden, and the other from William S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led, by the circumstance that their purpose was fully known to, and approved by, the executive Government of the United States; that, on this prosecution, they have been treated by the judge of the district court of the United States at New York, Matthias B. Tallmadge, Esq., in such a manner that the same grand jury which found the bills against them made a presentment against the judge himself, for his conduct in taking the examination and deposition of the said Samuel G. Ogden. And the memorialists, considering Congress as the only power competent to relieve them, submit their case to the wisdom of Congress, and pray such relief as the laws and constitution of this country and the wisdom and goodness of Congress may afford them; and the memorials were read; and, on motion,

"*Ordered*, That the memorialists have leave to withdraw their memorials, respectively."

These memorials appear to have been presented in the morning. After disposing of them, and a variety of other business, the Senate took a recess, and met again a five o'clock P. M. The very last entry on the journal of the evening session is the following order, adopted on ayes and noes, for expunging every thing in the journal relative to the aforesaid memorials:

"On motion that every thing in the journal relative to the memorials of S. G. Ogden and Wm. S. Smith be expunged therefrom," it passed in the affirmative:

"Yeas—Messrs. Adair, Condict, Gilman, Kitchel, Logan, Mitchell, Smith of Maryland, Smith of New York, Stone, Thruston, Worthington, Wright—12.

"Nays—Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, White—8."—*Note by Mr. R.*

It recited truly, and in compliance with a positive injunction of the rules of the Senate, the substance of the memorials presented, and the proceeding of the Senate on their presentation. There was and could be no allegation of any error in these respects. The entry was ordered to be expunged, not because of any mistake in it, but because the matter of it was unjust and wrong; because it went to criminate the executive administration of the country, without proof or probability; and for that reason ought not to stand upon the journal of a coordinate department. It is in vain, therefore, to endeavor to resolve the precedent of 1806 into the ordinary power of revising and correcting the journal before it is finally made up. It was a far different thing. It was no process of correcting mistakes in entries on the journal, which is ordinarily done the morning after the entries are made, and without the formality of an order or resolution. It was the exercise, on the part of this body, of a higher and more important power--a power not to correct mistake, (for there was none,) but to redress wrong—to purge its journal, not of erroneous entries, but of improper matter, in the entry of which there had been no error or mistake; a power which, from the nature of it, and the principles on which it is founded, must exist in as full force the next year as the next morning after the objectionable entry has been made.

No ingenuity, Mr. President, however great, no effort of mind, however gigantic, can ever succeed in the attempt which is made to reconcile the senatorial precedent of 1806 with the doctrines of gentlemen who oppose the resolution now under consideration. On what, sir, is their whole argument built? Is it not the assumption that each House of Congress, in being required to "keep a journal of their proceedings," is bound to preserve to all future time the record of each and all of their proceedings; that every act or proceeding of either House should be entered on the journal; and once truly entered there, that entry can never thereafter be touched, altered, or removed, but must remain as it is, without the change of a letter or a comma, to the "last syllable of recorded time?" Now, sir, can it be contended that the presentation of the memorials of Messrs. Smith and Ogden by a member of the Senate, the reading of those memorials, the action taken upon them by the Senate, were not proceedings of which the constitution requires a journal to be kept? We have already seen that the rules of the Senate, adopted for the purpose of fulfilling the injunction of the constitution, expressly require all these things to be entered on the journal. Can it be pretended that these matters were not truly entered? By no means. In every possible aspect, then, in which the proceedings of this body, in 1806, can be viewed, it utterly prostrates the whole fabric of technical refinement on which the arguments of gentlemen against the power to expunge have been raised.

A case of expunging, involving precisely the same principles, and leading to the same consequence, occurred in the House of Representatives not many years ago. On the 25th of February, 1822, Mr. Randolph, of Virginia, being informed that Mr. Pinckney had just died in this city, (where he then was,) rose and announced the event to the House, with the impressive eloquence which the loss of such a man naturally drew from a genius of kindred inspiration, and moved an immediate adjournment of the House. It afterwards appeared that Mr. Pinckney was not dead at the time that Mr. Randolph communicated the event to the House, though he died some few hours after. The fact, however, of Mr. Randolph's having announced the event, and the consequent adjournment of the House, were necessarily entered on the journal as a part of its proceedings; and the following day, Mr. Randolph, after an explanation of the circumstances, moved that the entry on the journal of the preceding day should be expunged, which was ordered, and accordingly done. Now, sir, if the extreme, and, I might well call it, superstitious strictness which is now inculcated in regard to the sanctity and inviolability of entries once made on our journals had prevailed then, this expunction, however simple and proper in itself, could not have been made. It will be remarked that there was no mistake in the entry made on the journal. The entry was not of Mr. Pinckney's death, but of the fact that Mr. Randolph on a given day announced to the House that Mr. P. was dead, and then moved an adjournment. That fact was truly entered, precisely as it occurred. If there had been a mistake in the entry, the motion would have been the ordinary one to correct, and not the extraordinary one to expunge it. If, moreover, the doctrine now so earnestly contended for by gentlemen were well founded, that a transaction or proceeding in either House once truly entered on its journal, the entry must stand there to all future time, and cannot be touched or changed in a letter or a comma, without a violation of the constitution, then Mr. Randolph, instead of the short and obvious remedy of an expunction of the entry of the preceding day, could have constitutionally attained his object only by a distinct entry of his explanation on the journal of the succeeding day.

But, sir, the Senator from Louisiana, even conceding the power of each House over entries previously made on its journal, contends that this power is limited to the current Congress, and that the Senate or House of Representatives of a succeeding Congress has no control whatever over the journal of the Senate or House of Representatives of a preceding Congress. Without stopping to show that this argument, even if correct in its principle, would be wholly inapplicable to the Senate, which, from the successive partial renewals of its members, (one third of the whole being replaced by new elections every second year,) is a perpetual body, I choose rather to meet the principles of the objection at once, by demonstrating its utter incompatibility with the nature of the legislative trust. It is a fundamental principle in regard to legislative bodies, that, in their ordained succession by virtue of periodical elections, one Legislature has precisely as much and the same power as another; a law enacted by one Legislature, or in one session of a Legislature, may be repealed by another or during a subsequent session. What one resolves, another may rescind; and, in like manner, and on the same principle, one Legislature has as much and the same power over the legislative records as another. In this respect, there is an obvious and important distinction between legislative and judicial bodies; a supposed analogy in whose functions and proceedings has, doubtless, misled the honorable Senator. After the adjournment or close of the term of a court, its proceedings, its orders, its judgments, its decrees, are final and irrevocable, so far as it depends on its own action. It has no power, as legislative bodies have, at a subsequent term or session, to revoke, change, or set aside, any thing done by it at a preceding term or session. If error has been committed, that error can be corrected after the expiration of the term only by a higher tribunal, and certain limitations of time are prescribed within which even these appeals to higher tribunals must be prosecuted. So imperative is the maxim, "*interest reipublicæ ut sit finis litium,*" the public repose requires a limit to be fixed to judicial controversies. The nature of the legislative trust, however, being altogether different, and requiring that the exercise and expression of the public will should be at all times unfettered in matters of general concern, every Legislature, or session of a Legislature, has an unlimited control over the acts, proceedings, or resolutions, of a preceding Legislature or session.

Gentlemen have been misled, as it seems to me, through the whole course of this discussion, by a supposed analogy between legislative and judicial proceedings, when, in fact, none exists. Either from the force of professional habits, or from a hasty consideration of the subject, we have heard legislative journals and judicial records constantly confounded, when no two things can be more distinct. The security of private rights, titles to property, real and personal, repose on the judicial records of the country; and hence those records are everywhere guarded by proper penal enactments against unauthorized interference, or any alteration whatever. But in regard to legislative journals, while they are necessarily confided to the sound discretion of the respective bodies whose duty it is to keep them, private rights and the security of property can never depend upon them. Important rights and interests may sometimes be claimed or acquired, I know, under legislative acts; but those acts, if laws, are never spread upon the journal, or, if joint resolutions, they are enrolled and preserved, like the laws, out of, and independent of, the journal, and both are included in annual and authorized publications of the acts of Congress, which are received in evidence in all the courts, without further proof or authenticity.

Dismissing, for the present, Mr. President, the authority of precedents, there are cases in which, upon the mere reason of the thing, I think all would agree that the right of this body to expunge an entry from its journal would be unquestionable. The constitution requires each House to keep a journal of its "proceedings;" that is, I presume, its proceedings as a constitutional body, acting in discharge of its appropriate constitutional functions. On this point, I beg leave to read a passage from Mr. Jefferson's Manual, the authority which especially governs our proceedings in this body—a passage which seems to me to have an important bearing on the question we have been considering.

He says: "Where the constitution authorizes each House to determine the rules of its proceedings, it must mean, in those cases, legislative, executive, or judiciary, submitted to them by the constitution, or in something relating to these, and necessary towards their execution. But orders and resolutions are sometimes entered in the journals, having no relation to these, such as acceptances of invitations to attend orations, to take part in processions, &c. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are, therefore, perhaps, improperly placed among the records of the House."

The result of this, as it seems to me, very clear and just distinction is, that nothing is to be regarded as properly a proceeding of either House, of which a journal is required to be *kept*, but such acts as are done in discharge of the legislative, executive, or judicial functions, respectively committed to them by the constitution. If any act be done by either House, not appertaining to the discharge of its constitutional functions, that act ought to be considered as extra-official, or, as Mr. Jefferson expresses it, as merely conventional among the members participating in it, consequently, not as a proceeding of the body to be entered on the journal, and, if improperly placed there, may be, and ought to be, taken off. With this distinction as my guide, let me suppose a case. Let us suppose that this body, imitating the irregular practice which has obtained in some of the State Legislatures, should, while still organized as a Senate, proceed to the nomination of a President of the United States; let us suppose that the very resolution which is now proposed to be expunged had been used, as it well might, as a preamble to such a nomination; let us suppose that the President had been in his first term, and then the preamble and nomination would have run thus: "Whereas Andrew Jackson, 'the President of the United States, has, in the late executive proceedings in relation to the public revenue, assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,' and has thereby proved himself unworthy of the confidence of a free people: Resolved, therefore, as the opinion of the Senate, that ——— ——— be, and is hereby, recommended to the good people of the United States as the most fit and proper person to replace the said Andrew Jackson in the office of President," &c.

Suppose, Mr. President, that such a resolution had been adopted by the Senate, organized as it is at this moment, yourself in the chair, all the Senators in their seats, the Secretary at his table, the yeas and nays called upon it, and the resolution finally entered on the journal; could such a resolution, notwithstanding all the senatorial forms which might have accompanied it, be considered as a proceeding of the Senate, within the meaning of the constitution? Can any one doubt that there would be full authority in this body, when it should see the error and evil tendency of its act, to *expunge* such a resolution from its journal? If so, the question of power is settled, and the propriety only of its exercise would then depend upon a question, which I will not anticipate the discussion of, but which it may be well to suggest for the consideration of gentlemen, whether the resolution actually adopted on the occasion referred to had more relation to the functions, legislative, executive, or judiciary, intrusted by the constitution to this body, than the resolution supposed would have had?

While, therefore, Mr. President, I cannot doubt that there are cases in which an entry, improperly placed upon our journals, may be removed or expunged therefrom by actual erasure or obliteration, it must yet be borne in mind that no such obliteration or erasure is contemplated or required by the resolution now under consideration. It contemplates a moral, not a physical, expunction—an expunction of the act, without expunging the record. It seeks to deprive that act of all legal force and validity, by applying to it the appropriate and significant language of parliamentary condemnation; and, without erasing or obliterating the original entry of it on the journal, to affix to that entry a visible mark, which shall show, in all time, that the act there recorded had been revoked, annulled, and repudiated, by the solemn judgment of the Senate and the nation; so that if, in any future search for precedent, the act be found, its condemnation will be found inseparably associated with it. That this is the meaning and intention of the resolution, is shown by its own express declaration. But it is objected that, in that sense, the term *expunged* cannot be properly used. The question, then, becomes one of mere verbal criticism; and surely gentlemen will admit that it is the privilege of public bodies, as well as private individuals, to define the sense in which they use terms susceptible of a difference of signification. This is explicitly done by the resolution under consideration; and all objections founded on the assumption of a meaning different from that in which the resolution interprets and defines its own language, must, of necessity, fall to the ground. But I willingly meet gentlemen on the question they have made, and maintain that the use of the word *expunge*, in the sense in which it is employed on the present occasion, is perfectly correct and consistent in itself, and justified by numerous parallel examples in the usage of language, both in judicial and parliamentary proceedings. I will call the attention of my learned colleague especially [Mr. Leigh] to a striking illustration, furnished by the decisions of the highest courts in our own State, with which he is far more familiar than I can pretend to be. We all know, Mr.

President, that, in law, a deed is an instrument signed, sealed; and delivered; that it is an essential and indispensable element in its legal character that it should be sealed, and that a seal, in the common understanding of the word, and as defined, I believe, by Lord Coke himself, is an impression made on wax or wafer; and yet the court of appeals in Virginia, as have more recently, I believe, the courts in a majority of the other States, decided, on principles of common sense and common law, independently of any statutory provision on the subject, that a scroll or *black lines*, drawn in any shape to suit the fancy of the drawer, when declared to be intended for a seal, does, in fact, constitute a seal, and makes the paper to which it is attached, to all intents and purposes, a sealed instrument. Now, sir, if *black lines* can thus be made to constitute a seal, a thing which, in its ordinary sense, is formed of wholly different materials, surely they can be made to stand for *expunging*, which, in its strictest and most literal sense, demands only the use of the same materials. In either case the declared intention stands in place of, and is equivalent to, the thing itself.

Again, sir, the term *cancel*, if not of precisely the same, is certainly of very analogous import to the word *expunge*. Its etymological meaning, as well as that which is given to it in the legal definition, is to destroy a deed or other writing by drawing lines across it in the form of lattice work. It is a principal branch of the common law jurisdiction of the court of chancery in England to cancel letters patent, (which are records,) obtained from the King upon false suggestions, or otherwise void. In both legal and popular phraseology we speak of a deed or will (also matters of record) being cancelled by the decree of a court. Now, sir, in these cases, I presume the Lord Chancellor does not actually draw lines in the form of lattice work on the letters patent which he cancels; nor does the court run the pen across the will or deed which is cancelled and set aside by its decision. On the contrary, it is the decision of the chancellor, or the decree of the court pronouncing the patent, will, or deed, to be fraudulent and void, which, *per se*, cancels it; that is, destroys its legal validity and effect, while leaving the record of its material existence unimpaired. In like manner, the word *expunge*, in the present instance, exerts its whole force on the legal act or precedent itself, without impairing the written entry of it upon our journal.

The illustrations furnished by familiar parliamentary proceedings are not less forcible, while they have the advantage of coming still nearer home to us. When a motion is made and carried to strike out a clause or section in a bill, it is not, as I understand, actually stricken out or erased with the pen, but the portion voted to be stricken out is indicated by suitable marks, with a corresponding notation on the margin of the bill, or on a separate paper, and is considered as stricken out by the mere force of the vote. What is directed to be done, is, by a parliamentary fiction, if you choose, considered as actually done. It is a singular coincidence that, in the earlier period of our parliamentary history, this very word *expunge*, which has of late furnished such a fruitful theme of commentary, was habitually used instead of the phrase to *strike out*, in reference to amendments, and in the sense in which the latter phrase has just been explained. During the first two Congresses under the present constitution, I find that, in the journal of this body especially, the word *expunge* is of constant recurrence; and that, in proposing amendments to bills, the motion was to expunge, instead of strike out; and when carried, the clause or section which was the subject of the motion was said to be expunged, though, as in the case of striking out, there was no actual erasure, which it is now contended the word necessarily imports. From its frequent recurrence in the same application, in Yates's report of the proceedings of the convention which formed the constitution, we are authorized to infer that its use in the same sense was also familiar among the learned statesmen who composed that illustrious assembly.

But there is an example of its use which I cannot forbear to mention.

In the draught of the declaration of independence, this significant word is used in the very sense which is assigned to it on the present occasion. After stating the fundamental principle of the right of the people to alter or abolish their institutions, a right which prudence requires should not be exercised for light and transient causes, and, accordingly, that all experience hath shown mankind more disposed to suffer, while evils are sufferable, than to abolish the forms to which they are accustomed, the following pregnant sentence occurs: "Such has been the patient endurance of these colonies, and such is now the necessity which constrains them to expunge their former systems of government."

Now, sir, as Mr. Jefferson was what Lord Clarendon, I think, called John Hampden, a root and branch man, he might be considered, perhaps, both in temperament and principle, as an expunger. It may not, therefore, be improper to add that this word stood in the declaration of independence, not only as it came from the pen of Mr. Jefferson, but as it was reported to Congress, and sanctioned by the rest of the committee, by John Adams, Benjamin Franklin, Robert Livingston, and Roger Sherman. What, sir, did these great men and illustrious patriots mean by expunging our "former systems of government?" Did they mean that the royal charters, in which those systems of government existed and were delineated, were to be erased and obliterated with the pen, as modern commentators would have us believe the word *expunge* can only mean? No, sir, they meant, as we mean on the present occasion, that the institution, the act, should be expunged, leaving the record of it unimpaired.

Having thus, sir, I hope, satisfactorily established the true parliamentary sense of *expunging*, permit me to say something of the thing itself. Attempts have been made here and elsewhere to represent it as something very odious and iniquitous. Now, sir, I take upon myself to say that, from the nature of the thing, implying necessarily a deliberate change in the public councils, it never can be resorted to in a representative Government, but with the sanction and under the authority of the people, and in their hands will never be used but for the vindication of their rights and of the principles of their fundamental law. In the history of our British ancestors, sir, it comes down to us through a long line of glorious traditions. In that country it has been the instrument by which every great principle of civil and political liberty has been successfully vindicated and established. How was *expunging* used, sir, in the celebrated case of John Hampden and ship money in 1640? We all know, sir, that in that case the King claimed an arbitrary power to levy upon the people, at his own discretion, whatever imposition he might deem necessary for the support of the Government and the defence of the kingdom. This enormous usurpation was sanctioned by the judges, not merely in an extra-judicial opinion, irregularly obtained from them, but in their solemn judgment rendered in the Exchequer Chamber against John Hampden, for his refusal to pay the odious tribute exacted of him. These iniquitous proceedings were afterwards expunged in the high court of Parliament; and by that expunction the great principle of free government, that the people can be taxed only with their consent given through their representatives, that principle which gave birth to our own glorious Revolution, was, for the first time, successfully and irrevocably established. In the case of Skinner and the East India Company, in 1669, to which I have heretofore referred, what was the great principle involved? In addition to that ultimate appellate jurisdiction in questions of law, of which the House of Lords in England has been long possessed, it claimed on that occasion cognizance of original suits, in utter subversion of the trial by jury. By being forced at last, by the noble resistance of the House of Commons, to expunge the judgment they had pronounced, and their other proceedings in that memorable case, they renounced, finally, this dangerous claim of original jurisdiction, and the glorious institution of our Anglo-Saxon ancestors, the great bulwark of British and American freedom, the trial by jury, was thus triumphantly rescued and maintained.

In the case of the protest of the tory lords, in 1690, to which I have also had occasion to refer, the principle involved and finally vindicated by this odious process of expunging was even of a deeper and more vital character. The Senate will recollect that the clause in the recognition bill to which the tory lords objected, and against which they entered their protest, was one asserting the validity of the acts of the convention Parliament; that Parliament under whose auspices the glorious Revolution of 1688 had just been achieved. The tory lords were unwilling to recognise the validity of its acts, because it was called together in the emergency of a great crisis, by the voice of the nation itself, speaking in the person of the Prince of Orange, and without the formality of the King's writ, which these lords held was indispensable, under all circumstances, to constitute a lawful Parliament. This objection, formerly recorded in their protest, struck at the vital principle of the Revolution which had just been accomplished—the sovereign right of the people to alter or abolish their institutions without a slavish submission to pre-existing forms. The House, therefore, ordered their protest, which had been regularly entered on the journal, to be expunged, and, in doing so, worthily vindicated the vital principle of the right of the people to change, modify, or abolish, their institutions, whenever it shall seem to them good—a principle which stands in the very front of the declaration of American independence, and is even more essential to American than British liberty.

The case of the Middlesex election, which gave rise to another instance of expunging in 1782, is perfectly familiar to the minds of the Senate. There the great right of the people freely to choose their own representatives was vindicated and established by expunging a resolution of the House of Commons, adopted fourteen years before, and which was justly described as "subversive of the rights of the whole body of electors in the kingdom." We have seen, then, this denounced and calumniated process of expunging, through two centuries of British freedom, used as the efficacious instrument by which every great constitutional right, every cardinal principle of popular liberty dear to the hearts of freemen, has been successfully vindicated and redeemed: in 1640, the right of the people to be taxed only with their own consent; in 1769, the right to jury trial; in 1690, that right which is the mother of all others, the right of the people to organize, modify, or abolish, their political institutions at their own pleasure; in 1682, that right which forms the practical security for the rest, the right of the people freely to choose their own representatives. In view of these facts, it is no exaggeration to say that every cardinal principle of British and American freedom has, at one period or another, been vindicated and established by this remedial but calumniated process of expunging.

I have already remarked, Mr. President, that this remedy for the abuse of delegated power can never be resorted to, in a representative Government, but with the deliberate sanction, and under the formal authority, of the people. Expunging is, in fact, the imbodied and potential voice of the people, bursting, by its legitimate power, the doors of legislative assemblies, and correcting, in the most solemn form, the deviations and assumptions of their servants. It necessarily implies a change in the public councils by the operation of the public will; for the body, which has committed an error or been guilty of a usurpation, remaining constituted as it was, will not be the willing instrument of correcting or expunging its own wrong. Accordingly, in every one of the cases which I have mentioned, the final parliamentary action has been preceded by the matured, the settled, the irreversible, judgment of the public mind. In the case of Hampden and the ship-money, the proceedings which were expunged took place in 1637; the expunction followed three years after, in 1640. In the mean time, the public mind had been anxiously and intensely exercised on the subject; the question had been publicly and solemnly argued before all the judges in the Exchequer Chamber, from time to time, through a period of six months. After their decision was pronounced, the merits of that decision continued to furnish the theme of able and earnest discussion at the bar of public opinion, and, finally, the settled judgment of the nation was carried into execution, by the order of the high court of Parliament, for expunging the rolls of the obnoxious proceedings. In the case of Skinner and the East India Company, in like manner, the question between the two Houses was pending, and earnestly debated before the nation for eighteen months; and the House of Commons was but the organ of the settled public opinion of the country, in finally wresting from the Lords the expunction of their dangerous and illegal proceedings. In the case of the protest of the tory lords, in 1690, the great principles involved had been kept constantly before the public mind, by the profound interest awakened by the Revolution of 1688, and the faithful and patriotic whigs of that day but acted out a deliberate and foregone conclusion in the public judgment, by expunging a protest which assailed the vital principle of popular sovereignty. In the case of the Middlesex election, the question had been pending before the nation for fourteen long years; during which time it had been the subject of public discussion in every possible form—popular, parliamentary, and legal—in meetings of the people, in both Houses of Parliament, and incidentally before the judicial tribunals of the country. Public opinion was never more maturely formed, more fully expressed, or more faithfully represented, than in the order for expunging the unconstitutional and obnoxious resolution in that case.

So it is, sir, on the present occasion. It is this day precisely two years since the resolution now proposed to be expunged was adopted by this body. During the whole of that period, the public attention has been constantly recalled to it by able and eloquent debates here--by the searching discussions of the press—by the calm and self-directed inquiries of the public mind. This subject has been constantly under the consideration of the people, in one form or another. Every temporary and artificial excitement has passed by, and the public judgment has been left to its own self-balanced wisdom to pronounce on the issue joined before it. Its decision, I believe, sir, has been made up, and, in great part pronounced. Eleven of the sovereign States of this Union have spoken, and spoken authoritatively, demanding the expunction of this resolution from our journals. There can be but little hazard in saying that four or five more desire and would approve it, though they have not yet spoken in an authoritative form, probably because they have supposed it to be unnecessary to do so. The judgment of our constituents, then, of the people, and of the States, has passed on this transaction—I believe irrevocably passed upon it. They consider the resolution adopted by this body on the 28th March, 1834, as irregular, as illegal, as unjust, as unconstitutional; and the more alarming, as proceeding from that branch of the federal Legislature which is the most irresponsible, and as tending dangerously to increase its power, already sufficiently great. On these grounds, they demand that that resolution be expunged from our journal; and seeing not the slightest constitutional impediment to the remedial process for which they have indicated their preference, I, for one, Mr. President, will cheerfully obey their voice.

When Mr. RIVES sat down,

Mr. LEIGH said he would reply to his colleague; and unless any other gentleman wished to proceed, he would move that the resolution, the discussion of which he had not anticipated as likely to come up during his absence from his seat, should be laid on the table, promising to call it up as soon as he should have had time to examine the authorities.

The resolution was then laid on the table.

SPECIE PAYMENTS.

The bill for the payment of the revolutionary and other pensioners of the United States being under consideration, Mr. BENTON offered the following amendment:

SEC.—. *And be it further enacted,* That no bank note of less denomination than twenty dollars shall hereafter be offered in payment in any case whatsoever, in which money is to be paid by the United States or the Post Office Department; nor shall any bank note of any other denomination be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him.

Mr. GRUNDY thought the word "instantly" would perhaps answer as well as the words "on the spot." He made no motion, but suggested that the phraseology would be improved by it.

Mr. BENTON said this was a bill for the relief of old soldiers, and he was inclined to adhere to the word *spot.* He wanted them to have the gold standing in their tracks.

Mr. KNIGHT was in favor of substituting the word *received* for the word *offered.*

Mr. TALLMADGE thought it better to make the amendment a distinct proposition from the bill under consideration. He did not like to embarrass it with a matter on which there was evidently a division of sentiment in the Senate, and which would lead to discussion, and necessarily delay the bill.

Mr. CLAYTON was opposed to putting riders on the bill. To attach this amendment to it, the bill might not get through.

Mr. BENTON thought this an appropriate subject to attach the amendment to, and spoke of the extent of mischief he had seen in shaving bank notes in the hands of old soldiers, and after thus seeing it, he had so much anxiety about it that his feelings would not permit him to waive the amendment he had offered, which was so applicable to this and all other appropriation bills.

After some remarks from Mr. NILES,

Mr. WRIGHT said the object of the mover of the amendment, to restrain the excesses of the present paper system of the country, and to infuse into our circulation a greater proportion of gold and silver, met his cordial and sincere approbation. He had labored, and was willing to labor in that cause, with that powerful and worthy leader; but he must say he was sorry that he had felt it to be his duty to make the bill now before the Senate the one upon which the principle of his amendment was to be tried. He was sorry, also, that the Senate was called upon to act upon this proposition until another bill which was now before the House, and which he soon hoped to see here, should have been acted upon by this body. He referred to the bill to repeal that provision in the charter of the Bank of the United States which compelled all the receivers of money due to the Government, for any consideration whatsoever, to receive the bills of that bank. The charter of the institution expired, by its own limitation, on the fourth day of the present month; but two years are allowed by the charter, after that day, to enable it to close its business; and a question has arisen whether the clause of the charter making its bills receivable for debts due to the Government, expired with the expiration of the charter, or extended itself through the two years given to close the concerns of the bank. The head of the Treasury Department has applied to Congress to solve the doubts by a repeal of that section of the charter, and a bill had been under the consideration of the House containing the desired provision. But, Mr. W. asked, would it be just to the deposite banks, or proper in itself, to impose upon them this restriction in paying our appropriations, while we compel them, by an express provision of law, to receive all the notes, of all denominations, of a particular institution, and that, too, after the charter of that institution has expired, and while the measures taking by those who have the management of its affairs, are directly calculated to make the notes in circulation of a less value than par at every point but one in the whole country? He presumed his honorable friend from Missouri [Mr. BENTON] was not aware of the course of policy adopted and adopting by the late Bank of the United States, to continue the notes of that institution in circulation throughout the country, and to press them into the hands of the agents of the Government, and consequently into the deposite banks, by the force of this legal privilege extended to those notes, to the exclusion of all other notes of any bank in the country. It was his present object to inform the Senate and the country as to the policy pursuing in this matter; and to do so he would read parts of a correspondence with the Secretary of the Treasury, which had been put into his hands as a member of the Committee on Finance of the Senate, to show the necessity of the speedy passage of the bill to which he had referred.

The officer in charge of the deposite bank at Boston wrote to the Secretary to know whether he was considered legally bound to receive these bills in payment of dues to the Government, after the expiration of the charter of the bank. The Secretary, in his answer, inquired of the officer of the deposite bank, how and in what case the question could arise and become important to the institution under his charge, telling him he presumed the payments for duties there had been and would continue to be made, chiefly, if not entirely, by checks on his own and the other banks of the city. To that suggestion the officer replied as follows:

"Heretofore, the branch bank in this city has redeemed the bills of the United States Bank, drawn here by regular course of business; consequently making them equal to the city bank bills, being, therefore, no difference in value; the payments to Government have been made generally in checks and bills of the city banks. But this branch of the United States Bank now refuses to redeem any bills but of their own issue, and, consequently, every other city bank rufuses to receive them. This depreciates in value all the United States Bank bills issued elsewhere, and they must be negotiated by brokers, and purchased for the purpose of paying debts due the Government; the rate of exchange will probably cause them to be remitted from one city to another, when money is scarce, and to be placed in the hands of the bond-payers, to whom they will be equal to specie, although payable at a distant part of the country, and for all other purposes of less value. It was to guard, if possible, against this probable contingency, that I addressed the Department.

"Respectfully,
"CHARLES HOOD, *Cash'r.*"

The letter from which this extract is taken bears date "Commercial Bank, Boston, March 18, 1836." Here, Mr. President, we see that notes of this bank, not issued by the Boston branch, but by distant branches, are finding their way into the hands of the debtors of the Government, in that town, and through them into the deposite bank there, while the other banks of that city will not receive them at par at their counters, and the branch of the bank there will not redeem them. Hence they constitute a depreciated currency, and still our agent is bound by law to take them at par. Ought we, then, while our law imposes this burden and loss upon the deposite banks, to add, by our own voluntary act, the further restriction proposed in the amendment under discussion? Mr. W. said, he thought not. It seemed to him enough that we were compelling the deposite banks to receive a depreciated currency, and to account to us for it at par, without prohibiting them from making payments on our account in their own notes, which are at par, of denominations similar to the depreciated notes they are, by our law, obliged to receive.

But, Mr. W. said, this is not all. The Secretary of the Treasury, having obtained this information as to the course pursuing in Boston to force these notes upon the Government, made a call upon one of the directors of the Bank of the United States, appointed by the Government, for further information as to the course taking by the late bank, and by its successor, in reference to its notes in circulation. The correspondence was very short, and he would read it to the Senate. The following is the letter of the Secretary:

"Treasury Department,
"*March* 23, 1836.

"Sir: I will thank you to inform me what disposition is made of the bills of the Bank of the United States as they are redeemed—are they kept on file, or destroyed—or handed over to the new bank, and by it reissued. And, also, to state who are the agents for the branches of the old bank; and whether these agents have been directed to redeem all the old bills or checks presented in the usual course of business, or only those issued by the branch for which they act.

"I am, very respectfully, your obedient servant,
"LEVI WOODBURY,
"*Secretary of the Treasury.*

"Henry Toland, Esq., *Philadelphia.*"

Mr. Toland's reply is in these words:

"Philadelphia, *March* 25, 1836.

"Sir: In reply to your letter of the 23d instant, I beg leave to inform you that the circulation of the old Bank of the United States is reissued by the new bank, and that no new circulation under the present charter has been prepared; that no one of its branches is considered as having any legal existence after the 4th instant; and that all the notes of the bank and its branches are considered as payable at the bank in Philadelphia.

"I am, very respectfully,
"HENRY TOLAND."

"Levi Woodbury, Esq.,
"*Secretary of the Treasury.*"

Here, Mr. W. said, is the present condition of things. We compel the deposite banks by law to receive at par, in payment of debts due to us, the notes of the late Bank of the United States, notwithstanding its charter has actually expired, and the institution no longer possesses banking powers. By a regulation of the directors, all those notes, no matter where issued, or by what branch, are to be redeemed at Philadelphia, and at no other place in the United States. This must depreciate the value of the notes for all other purposes but that of payments to the Government at all points distant from Philadelphia. The deposite banks receiving them must send them to Philadelphia to be redeemed, or to convert them into current funds. They do receive them, and do so send them to the dead institution. Are they then discharged from further expense, and trouble, and loss, on their account? No, sir, the correspondence shows that another institution, to which this Government is a stranger, immediately reissues and returns to the place from whence they came, these same notes, to be again paid into the deposite banks as a depreciated currency, and again returned to Philadelphia at their cost, that they may exchange them for money. Who does not see that, by this process, these notes may for ever circulate as the legal currency of the Treasury, and that they may be issued and diffused over every foot of our territory, to be purchased up by those who owe the Government, to the full extent of all the payments to be made to it? These notes, therefore, must constitute the deposites of the Government in the deposite banks, and, by the amendment proposed, we prohibit their payment from those banks to the creditors of the Government, and thus make them unavailable funds in their hands until they can be sent to Philadelphia, and their equivalent returned.

Of this, Mr. W. said, he did not complain, as he did not wish that any creditor of the Government should be compelled to receive, in payment of his demand, depreciated paper. Indeed, as he understood the law now to be, no creditor of the Government was under obligation to receive any thing but gold and silver, and that the acceptance of bank notes from the Government, in any case where they were accepted, was the voluntary act of the person receiving them. He must say, however, that, until we ceased to compel the State banks to receive this depreciated paper, he could not believe that we ought to interdict them from the circulation, in their capacity as agents of the Government, of their own notes, which are at par value, unless those notes were of the denomination of twenty dollars. If these notes of the Bank of the United States were to be, in this disadvantageous manner, but once redeemed by the deposite banks, they might be able to sustain themselves under the unreasonable burden; but when it was seen, by the correspondence he had read, that they were to be continued in circulation, that a single redemption was merely furnishing to another institution additional means for a reissue, he must express his apprehensions that if, in addition to these burdens imposed, other and important privileges were denied to them, or greatly restricted, they might be driven to refuse their services to the Government, and thus lay the foundation for a new argument for a recognition and employment, if not a direct charter, of this new and dangerous State bank, by Congress.

His apprehensions upon this subject were by no means diminished by finding some of the most zealous friends of the late Bank of the United States advocating this amendment. These gentlemen, so satisfied with the safety and superior value of a paper currency, when that bank had existence, and its notes constituted that currency, had now become too sudden converts to the dangers of bank paper, and too hastily attached to a metallic circulation, to gain his confidence. What were their reasons for this great change? Did they desire, in this way, to prove that their former opinions as to one great bank were sound, and that such an institution alone could transact the public business and preserve the currency? Did they wish to embarrass the deposite banks, at the moment when alarms as to their solvency were sounded from this chamber? Did they hope that such a course would compel the State banks to surrender their agencies, and thus produce a necessity for another national bank? Or had they become converts to the true, sound, democratic doctrine, that a metallic currency, for circulation among the people, was the course of wisdom and safety?

He impugned no man's motives, and he would hope the latter was the true solution of his inquiries. He knew that was the patriotic object of the mover of the amendment, and he would go with him, in heart and by his vote, as far as he could believe that safety or prudence would permit; but he did believe this amendment proposed too rapid a change. We had gone to the extreme in the paper circulation. We must retrace our steps gradually, and with care and caution, if we would avoid a convulsion dreadful in its effects, and much more dreadful in its consequences. The effects time might repair or efface, but the measures which might grow out of the agitations and disasters might ingraft themselves too strongly upon our institutions ever to be shaken off. Experience spoke to us upon this point in a voice of warning which no one should disregard. Great abuses, such as he believed a Bank of the United States to be, always took their rise from public distresses, and he feared too hasty changes in our present currency would produce these distresses and their consequences.

Mr. W. said he wished the bill to which he had referred might be acted upon here, before the principle involved in the amendment should be adopted. He repeated, he would go as far as he could think safety would permit; but he hoped our progress would be gradual, that it might be sure. If we could relieve the deposite banks from the legal obligation of receiving the notes of the late Bank of the United States, he thought we then might safely make some advance towards limiting them in their payments of their own paper to the creditors of the Government; but, until that was done, he was sorry to be compelled to act upon the proposition.

[Mr. DAVIS here made an inquiry as to the amount of notes of the Bank of the United States in circulation.]

Mr. W. said it was impossible for any person not possessed of the books and papers of the new United States Bank, chartered by the State of Pennsylvania, to answer that question. He spoke from memory, and without confidence in his correctness, when he said he believed the last return of the Bank of the United States to the Treasury Department showed some twenty or more millions of their paper in circulation; but that was no standard for the present time. The Senator did not seem to have understood the purport of the correspondence he had read.

[Mr. W. here again read the letter from Mr. Toland, above given.]

From this letter the gentleman will see that these notes, as they came in, are immediately reissued by another institution. How, then, can the question be answered as to the amount in circulation? And the answer to-day would be no answer for to-morrow. He wished further to state, what he believed to be the fact, that since the expiration of the charter, on the 4th instant, no returns of any description had been made to the Treasury from the late bank; and it was to be presumed the directors considered themselves no longer bound to make the returns required by the charter. This, Mr. W. said, was the existing state of things, and gentlemen must see that hundreds of millions of these notes might be thrown over the country, but he feared they could not so well tell what institution was to redeem them.

Mr. DAVIS said, all the Senator from Missouri [Mr. BENTON] expected to accomplish by his amendment was, that the disbursing officers of the Government should be prohibited from paying out bills under the denomination of $20. Under this amendment, the question would arise whether the disbursing officers shall disburse the money they shall receive. These banks never disburse the notes they receive, but their own notes. Any claimant of specie had the right to demand and receive it from these banks now; and if they did not pay out the money they received, he could not see the application of the remarks of the gentleman from New York [Mr. WRIGHT.] Mr. D. was not aware that the notes of the United States Bank were depreciated. If they were, then they ought not to be received or paid out. He had said these banks were bound to pay specie. No individual had the power to compel the Government to pay him specie. The agents of the Government might offer him what they pleased, and he lies entirely at their mercy; he must receive what they offer, or nothing. It was important to know the amount of notes in circulation, and the amount of specie in that bank. If it had no specie to redeem its notes with, they would find but few of them in circulation. If, then, they could not be kept in circulation, he did not see why the deposite banks should have this privilege.

Mr. BUCHANAN said that he entirely approved of the general principles and the policy upon which the amendment proposed by the Senator from Missouri [Mr. BENTON] was founded. The country was now flooded with bank paper, and it was certain there would soon be still greater issues. The amount of bank notes now in circulation was greatly beyond any just proportion to the specie in our banks; and from the vast increase of banking capital in the different States, since the commencement of the present year, this evil would for some time continue to increase. The evils which resulted from the system to the laboring man, to the manufacturer, and to all classes of society, except speculators, were palpable. He should not now attempt to portray them. This he would undertake upon some future occasion. He would merely observe that such a system, conducted by banks, in this respect, wholly irresponsible for their conduct, which at one time could make money plenty, and at an another time could make money scarce; which at one moment could nominally raise the price of all property beyond its real value, and at the next moment reduce it below that standard, must be ruinous to the best interests of the people. It was calculated to transfer the wealth and property of the country from the honest, industrious, and unsuspecting classes of society, into the hands of speculators, who knew when to purchase and when to sell.

Mr. B. said that the ebb did not more necessarily succeed the flow of tide, than that we must, ere long, have a severe pressure in the money market. He did not think, then, that this was a propitious moment to proceed at once to the extent which the Senator from Missouri had proposed. The pressure must inevitably come, and he wished no portion of the responsibility of producing it to rest upon Congress.

What (said Mr. B.) will be the effect of adopting this amendment? It is true that it does not prohibit the Government from receiving bank notes of a less denomination than twenty dollars, but it is prohibited from offering in payment notes of a less denomination. The inevitable consequence will be, that the Secretary of the Treasury must obtain specie from the banks for all the notes received by the Government of a less denomination than twenty dollars. The disbursing officers of the Government must be furnished with a much larger amount of gold and silver than is at present required, for the purpose of paying our army and navy, and our other creditors. They must pay all sums or balances, of a less denomination than twenty dollars, in the precious metals. In order to protect themselves, the deposite banks would be compelled to draw upon the debtor banks for specie; and this operation would contribute to produce a panic and a pressure. If the banks only were to be affected by this process, he should care but little for the consequences; but they would be obliged to demand payment from their debtors in order to fortify themselves. The community would thus be made to suffer.

Whilst he went, with all his heart, in favor of the policy of restraining paper issues, and thereby increasing the circulation of specie, so far as it could be done constitutionally by Congress, he thought that the present situation of the country required that we should proceed cautiously and gradually in reaching the ultimate end which we had in view. He was willing at present to prohibit the Government from offering in payment notes of a less denomination than ten dollars; with a distinct understanding that, after another year, we should adopt twenty dollars as the standard. The banks would, in the mean time, have an opportunity of preparing for this event, without distressing their customers. He would therefore move to strike out twenty dollars from the amendment, and insert ten. This would secure to our soldiers on the frontiers, and to our sailors, a considerable proportion of their pay in specie; and after another year we might proceed with comparative safety to the limit of twenty dollars.

Mr. **BENTON** said he would barely state that he had drawn up a bill to establish the currency of the country, that was intended to cut the Treasury loose from all the currency of the States; but he was satisfied that no bill of this kind could be brought forward without meeting some opposition. He had introduced this amendment, as the inception of a principle he hoped to see carried out. Though the United States were receiving all their revenues in depreciated paper, it would, so far from stopping him, stimulate his exertions to prevent the creditors of the Government from being paid in such paper. He wished to be understood that this little amendment, was only the commencement, and he hoped, therefore, that it would meet with no opposition. The argument of the gentleman from New York, so far from inducing him to abandon his amendment, only stimulated him to exert himself for the suppression of those bills, which might be given to the soldier in Arkansas, and be payable in Philadelphia, where he could not go to get them exchanged, but must take what the sutler chose to give him for them. He knew that many notes of these deposite banks might be paid out to the soldier, or laborer, who would have to exchange them at a loss. What would the notes of this Metropolis Bank be to the soldiers on the confines of Missouri? They know nothing about them—they cannot keep them—and must take whatever they can get for them. He was sorry that his friends differed with him as to the value of this initiatory measure, which he prized so highly that he might almost say his whole soul was staked on it.

Mr. **BUCHANAN** said that, if the gentleman would agree to take his first step at ten dollars, and leave all the rest of the resolution as it stood, the poor soldier and laborer would still have the benefit of it. He would suggest to the gentleman to amend the amendment by inserting ten instead of twenty dollars.

Mr. **BENTON** observed that gentlemen seemed to act as if they were legislating for the States, and not for the United States. We are only saying, said Mr. B., that certain notes shall not be paid out, not that we will not receive them. He wished to put the mark of the Government, in relation to bank notes, at twenty dollars, and he was confident, if this was done, that the people of the States would soon come up to it. He was sorry that his friends could not go with him, but he viewed the subject as one of such importance that he could not relinquish the amendment on which his heart was set.

After some remarks from Messrs. **WRIGHT** and **DAVIS**, the further consideration of the subject was postponed, and

The Senate adjourned.

Tuesday, March 29.

ADMISSION OF MICHIGAN.

Mr. **BENTON** moved to postpone the previous orders, and to take up the bill to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union; which motion was agreed to.

Mr. **BENTON** said the committee who reported this bill, and of which he was a member, had considered the southern boundary line as virtually established. They had included in the proposed limits a considerable portion of territory on the northwest, and had estimated the whole amount of territory embraced within the territorial limits of the whole State at sixty thousand square miles. The territory attached, contained a very small portion of the Indian population. He spoke of the trade on the river between Lakes Michigan and Superior. As Michigan presented an extended frontier, both as related to the Indians and foreign Powers, it was desirable that it should be as strong and defensible a State as possible. Mr. B. moved to strike out the words in the third section "be authorized to," so as to make it read, the President "shall" announce the fact of the acceptance by the Legislature: also, to strike out the words "shall receive the approbation of the Senators and members of the House of Representatives elected to represent the said State in the Congress of the United States;" which were agreed to. He offered some further amendments of minor importance, which were also agreed to.

Mr. **CLAYTON** gave the reasons which, he said, constrained him to oppose the passage of this bill. He was one of the committee who reported it, and had assented to the report under the hope that in the course of the discussion something might be elicited which would obviate the difficulties that now appeared to him of a very serious nature. In assenting to this report, he felt that this was a proposition which might be discussed before the whole Senate, and not smothered in the committee, inasmuch as the supporters of the measure ought, in justice, to be allowed to submit their whole plan, and as some plan might be offered in the course of the discussion which would reconcile all parties to the passage of the bill. He did not, then, say that he would not vote for the bill, though there were difficulties in the way of serious magnitude; indeed, he was anxious for the admission of Michigan, believing that she had a sufficient population to entitle her to it; but his object was to elicit discussion, in order that his objections and those of other gentlemen might, if possible, be overcome. The bill proposed the ratification and confirmation of the constitution formed by the convention elected by the people of Michigan, but it changed the boundaries claimed by that constitution, in the most essential particulars. The bill, in the 3d section, provided that this act shall receive the assent of the Legislature of the State acting under the authority of the convention elected by its people, and thereupon, and without further proceedings on the part of Congress, the President shall announce that the conditions of her admission are complied with, and her Senators and Representative shall be allowed to take their seats in Congress, without further delay. Gentlemen would perceive that the condition required by the bill for so important a change of the boundaries of the new State was not the assent of the people of Michigan, but the assent of her Legislature, acting under the authority of the before-named convention. He wished to call the attention of gentlemen to this point; Michigan was to be admitted into the Union as soon as her Legislature, acting under the authority of the convention, assented to the boundaries given in the bill. Was this a proper way to admit a State into the Union? Was this consistent with the principles of civil Government, or of the origin of civil Governments, which required the assent of the governed to the form and manner of their Government? How was the assent of the people living on the north side of the lake given, either expressed or implied? Congress, by this bill, added 20,000 square miles to Michigan, not embraced in the boundaries defined in the constitution adopted by them; and how was the assent of the people living in that portion of territory, who took no part in forming this constitution, given to these boundaries? How would gentlemen extend the jurisdiction of the new State over this 20,000 square miles, without asking the assent of the people living there? Again: this bill struck out 500 square miles contained within the boundaries claimed by this constitution. The constitution runs thus: "We, the people of the Territory of Michigan, as established by the act of Congress of the 11th of January, 1805." Now, this bill extended the jurisdiction of this constitution over the people of an immense tract of country, who are not within the limits of this Territory, as established by the act of Congress of the 11th January, 1805; and how this could be done, without violating the principle that all Governments were founded on the consent of the governed, he was at a loss to conceive.

It was nowhere provided in the ordinance of the convention that this Legislature should have the power to alter or change the constitution or boundaries of the State; how, then, could the assent of this Legislature make this change of boundary binding on the State? At a large meeting lately held at the city of Detroit, it was asserted that the people of Michigan had given no power to any set of men to alter or change their boundaries. By the constitution framed by the convention, it was made a prerequisite that the people should assent to it, and the manner in which such assent should be given was clearly defined. Now, this assent had been given, and the constitution had been sent to Congress. Now, he did not believe that the people of Ohio and Indiana who lived within the line claimed by Michigan, ever gave their assent to this constitution; but he did not choose to go behind the evidence. They say that all who live within the line established by the act of Congress of January 11, 1805, voted for it; and how then could this Legislature give their assent to the substraction of this territory claimed to be within the limits of Michigan by this constitution? He was anxious to hear what gentlemen would say in relation to these difficulties, and he put it to them whether it would not be necessary to ask the assent of the people living on the north and west side of the lake to this constitution, to make it binding on them.

Mr. C. gave his objections at length to another part of the constitution of Michigan, which provides that every white male inhabitant residing in the Territory at the time of the adoption of the constitution, or for a period of six months, shall be entitled to a vote. This clause, he contended, was in violation of the constitution, which gives to Congress alone the power to prescribe a uniform rule of naturalization. Mr. C. concluded by saying that he was anxious for the admission of Michigan into the Union; and if this bill should be rejected, as he thought it ought, another bill might be brought forward and passed at this session, providing for obtaining in the proper form the assent of all the people within the prescribed boundaries to the constitution, and thus Michigan might come into the Union with her sister, Arkansas, on the first day of the next session. She would only be deprived of the privilege of being represented in Congress for the short period yet remaining of this session, which would be fully compensated by coming into the Union as all the other States had done.

Mr. BENTON replied to Mr. CLAYTON, that both the points raised by him had been debated and acquiesced in by Congress for nearly a quarter of a century, and cited the acts of Congress of 6th and 14th April, 1812, in relation to the admission of Louisiana into the Union, which he contended were parallel with the present case, and went into a minute history of the circumstances connected with it, to show its exact similarity to the case of Michigan.

Mr. CLAYTON replied, that the assent of the Legislature was required to this material change of boundary, and it was said, the assent of the Legislature acting under the authority of an ordinance of the convention. Now, did the gentleman suppose that the ordinance gave power to the Legislature to assent to the annexation of 20,000 square miles to the State, or the substraction of 500 square miles from it? Or did the gentleman suppose that the Legislature, acting under the authority of this ordinance, were authorized to give the assent of the people living within this 20,000 square miles? How could any man stand up, for an instant, and suppose that the ordinance gave any such power? He asked of gentlemen who intended to vote for this bill, to examine this constitution over, and see whether the provisions of the bill comported with it.

Mr. HENDRICKS thought the case cited in regard to the admission of Michigan not exactly in point. There was no question of citizenship in Louisiana, and it was more than a year after her boundaries were prescribed and fixed before the new acquisition was made to her territory; and she had the right of rejection, although it accepted the additional territory. In this case the people of Michigan had no right of rejection. The people within the territory that was added had not participated in the formation of the constitution submitted to Congress; and, if they had, it is not known that the constitution would have been what it is. He did not wish to debate the question, but merely to show the difference between this and the case cited by the gentleman from Missouri.

On motion of Mr. DAVIS, and by general consent, the further consideration of the bill was postponed till to-morrow, and the Senate proceeded to the consideration of executive business; after which, it adjourned.

WEDNESDAY, MARCH 30.

ADMISSION OF MICHIGAN.

The Senate proceeded to consider the special order, being the bill to establish the northern boundary of Ohio, and to provide for the admission of Michigan into the Union.

Mr. TIPTON rose and said: I cannot consent, Mr. President, to give a silent vote upon a measure of such vast importance to the people whom I have the honor in part to represent here. This bill provides for establishing the northern boundary of Ohio, and for the admission of the Territory of Michigan, upon certain conditions, into the Union as an independent State. Before I can vote for the bill, it becomes my duty to inquire what those conditions are.

At an early period of the present session, I took occasion to express my objections to the admission of Michigan, whilst, by the constitution which she has presented here, she claims a portion of the State of Indiana, ten miles wide and one hundred and five miles in length, which was given to Indiana by act of Congress of the April, 1816, and reaffirmed to her by two subsequent enactments. I then undertook to show that this part of the constitution of Michigan was framed in direct contravention of the constitution of the United States. This argument, advanced by me three months ago, the friends of this measure have not attempted to answer. The disputed boundary between Ohio and Michigan has become a subject of anxious solicitude to every friend of his country; the matter in dispute is but of minor importance, when compared with the peace of the country and the happiness of the people. When this question of boundary was before the Senate, two years ago, I proposed to give to Ohio the territory lying east, and to Michigan that lying west, of the Maumee Bay, and to give to the two States concurrent jurisdiction over the bay itself. To this proposition both parties objected, and the matter remained unsettled. The state of feeling between the parties evidently became more dangerous, and, at the last session of Congress, I did not vote against the bill conferring to Ohio all she claimed: this bill passed the Senate, but did not become a law.

Of the conduct of both parties respecting the disputed territory, I need not speak; it is fresh in the recollection of every Senator; and the almost unanimous vote upon the bill that passed a few days ago, establishing the northern boundary of Ohio, is sufficient evidence of a fixed determination on the part of the Senate to put an end at once to these dangerous controversies.

Let us examine, for a moment, the question now presented by the honorable chairman of the select committee to which the constitution of Michigan was referred. The committee has reported a bill for admitting the Territory of Michigan on certain conditions; the second section of the bill describes the boundaries of the new State, but differing in many particulars from those claimed by the convention of the people, in the constitution which has been submitted to us.

The bill proposes to establish the northern boundary of Indiana as the southern boundary of the State of Michigan; and the third section of the bill gives to their Legislature the right to accept these modified boundaries. Here, sir, we have, in a bill for admitting a new State into the Union, a proposition to alter its boundaries, and leaving the acceptance of the new boundaries to the Legislature of the new State, the people of which have, in their constitution, claimed bounds essentially differing from those proposed in the bill. Now, sir, according to my apprehension, the first question is, can this be done? Can the Congress of the United States clothe the Legislature of any State or Territory with authority to alter or amend any portion of its constitution? Sir, I am not a lawyer; and, in some cases, would not attempt to set up my own judgment against the opinions of those learned in the law. But, in this case, it is both my right and my duty to judge of and adopt such measures as I conceive necessary to protect the interests of those who sent me here; and I do most solemnly deny the authority of Congress or of the convention of Michigan in this way to delegate any such power to the Legislature of Michigan. Has, then, the Legislature of Michigan any such inherent power? None will contend that it has. Is the Senate prepared to recognise the exercise of doubtful powers, whereby the peace of the country may be jeoparded? It surely should not leave so important a matter to doubt and chance. The next Legislature will, I have no doubt, accept the boundaries specified in the bill, for the sole purpose of gaining admission into the Union. But, once admitted, and the succeeding or some future Legislature will possibly think that the first had no right to agree to any alteration in their boundaries, as prescribed in the constitution; and they will reassert their claim to a portion of Ohio and Indiana, as claimed in their constitution now before us. They will probably apply first to Congress to put them in possession of that which they now claim. Should Congress hesitate or refuse, none can foretell what consequences will follow.

A friend has furnished me with a newspaper, the Detroit Free Press, of the 16th instant, in which I find a publication of the proceedings of a public meeting, mentioned by the Senator from Delaware [Mr. CLAYTON] yesterday; and an article signed by honorable John Biddle, President of the Michigan convention, and fourteen other members of that body, in which they deny having delegated to their members of Congress, or to any future Legislature of the new State, any power to accept of other boundaries than those claimed by the constitution now before us. These are gentlemen of high standing, possessing great influence with their people. No one need pretend to shut his eyes now to the consequences which will follow if we pass the bill for the admission of Michigan into the Union, without referring the question of boundary to a convention of delegates to be hereafter chosen by the people for that purpose. I want an expression of approbation from the sovereign people, not from a knot of interested office-holders or office-seekers, on this important question. If the friends of this bill have heretofore had a hope that the people of Michigan would permit their members of Congress or their Legislature to exercise any discretionary power with regard to the question of boundary, that hope must now vanish. We see that the people of Michigan are divided into parties upon this very subject; as one party goes down, another will come up, and deny the power proposed to be given by this bill to the next Legislature, to accept modified boundaries. I warn the Senate that the passage of this bill, in its present shape, will endanger the peace of the country.

The people of Indiana have ever been a quiet, peaceable, law-abiding people; resistance to the law has never been heard of in that State, and I have no fears that it ever will be: but, sir, we have no wish to hear the flourish of trumpets or to see banners waving near our borders. It can lead to no good result. Indiana never will surrender what Michigan claims to any power on earth.

Let the people of Michigan retrace their steps and strike from her constitution all claim to any portion of the neighboring States, and I am ready to admit her into the Union. Her present position is not chargeable to me; I proposed bills two years ago, preparing the way to admit both Michigan and Arkansas as other new States have been received into our Union. Let those who prevented the passage of these bills, together with the unfortunate and unjust pretensions set up by Michigan to a part of the State of Indiana, account to the country for the difficulty that now surrounds us. Her admission under these circumstances is impossible. If the constitution of Michigan had been framed with a just regard to the rights of my constituents, I should have been anxious to admit her. There are many reasons to incline me to that course. She is a northwestern State, adjoining that from which I come. It would give us more political power in that quarter. I have many friends in Michigan whom I would like to serve, could I do so without prejudice to the interests of my own State: but as the question is now presented, I must vote against the bill. I hope its friends will amend it so as to make it acceptable to my colleague and myself. Without this they need not expect our votes.

I wish it to be remembered that, during the session of 1834, when the bills authorizing the taking of the census of Arkansas and Michigan came up before the Senate, motions were made by members of the political party then composing the majority in this body, to lay the bills on the table, or to adjourn; by which all debate was precluded, and the passage of these laws, prayed for by the people of these Territories, prevented. This I considered a denial of justice to a portion of the West.

I wish it also to be distinctly remembered that my mind has undergone no change for the last two years, as to the rights of Michigan. But she should not, in pursuit of those rights, violate the rights of others. She has no right to the ten miles claimed by her constitution from Indiana; and if that claim continues to be urged, I am against her. I will vote for no bill, unless it provides that this question of boundary is to be settled agreeably to the true northern boundary of Indiana, as established when that State was admitted into the Union. When that boundary is acknowledged and accepted by a convention of delegates, elected by the inhabitants of Michigan for that purpose, then, and not until then, need my vote be expected.

I had desired, Mr. President, to pursue this subject farther, and give my views at length; but the state of my health has been such for the last ten days as to prevent me from doing so. I believe I have said enough to make myself understood, and I will trouble the Senate no longer.

Mr. BUCHANAN said that he intended to present his views on this question very briefly. He had good reasons for desiring that the bill might be very speedily decided on, and, therefore, in what he had to say, he should take up as little of the time of the Senate as possible. The first objection he should consider was the one suggested, rather than insisted on, by the Senator from Delaware; and that was, that no act had been passed by Congress for the purpose of enabling the people of Michigan to form a State constitution, in obedience to what had been supposed to be the custom in regard to other States that have been admitted into the Union. Now, was there, he would ask, any reason for passing such an act? Was it required by principle, or was it required by former practice? He utterly denied that it was required either by the one or the other, before a new State may be admitted into the Union; and whether it was given previously or subsequently to the application of a State for admission into the Union, was of no earthly importance. He admitted that the passage of such an act previously to the admission of a new State was the best course to adopt; but if a people had formed a republican constitution, and if Congress should think that they had assumed proper boundaries, was there any objection to their admission, whether the preliminary law had been passed, or otherwise? But, in the history of this Government, they had precedents to sanction this bill; and they had one which applied expressly to this very case; it being utterly impossible to draw any distinction between the two, unless in favor of Michigan. He referred to the case of the State of Tennessee, found in the second volume of the laws of the United States. The preamble was short, containing but a few lines, and he would read it. This brief preamble was a declaration that, "by the acceptance of the deed of cession of the State of North Carolina, Congress were bound to lay out, into one or more States, the territory thereby ceded to the United States. Congress, therefore, upon the presentation of a constitution by Tennessee, declared that State to be one of the United States of America, on an equal footing with the original States, in all respects whatever, by the name and title of the State of Tennessee."

Now, sir, (said Mr. B.,) what was the case here? There was no stipulation in the act of cession from the States of North Carolina and Georgia, confining this Territory to the formation of one State. On the contrary, the acts of both States provided that the ceded Territory should be formed into one or two States. According to the terms of the original cession, the Territory was to be formed into one or more States; and without any previous act of Congress, the Legislative Council passed a law for taking the census of the people of that Territory, declaring that, if a sufficient population should be found to entitle them to admission into the Union, the Governor was authorized to direct elections to be held for members of a convention to form a State constitution. The constitution, as in the case of Michigan, was formed under their Territorial Government; and Congress was not consulted at all in the matter. The first intimation Congress had received of the fact was in the message of General Washington, recommending the admission of the State into the Union. He would read one sentence from this message. It was dated the 8th of April, 1796. General Washington, in this message, states, that "among the privileges, benefits, and advantages secured to the inhabitants of the Territory south of the river Ohio, appears to be the right of forming a permanent constitution and State Government, and of admission as a State by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, when it should have therein sixty thousand free inhabitants: Provided the constitution and Government so to be formed should be republican, and in conformity to the principles contained in the articles of the said ordinance."

This was the opinion of General Washington himself, distinctly expressed. The people of the Territory themselves made the first efforts for admission into the Union; they acted on their own authority solely, never having asked Congress for the passage of a previous law, and General Washington said they had the right, as they unquestionably had, to be admitted into the Union, if they had a sufficient population. This message, just mentioned, was referred to a committee in both Houses of Congress; and in the House of Representatives a report was immediately made by General Dearborn, the chairman of the committee of that House, in favor of the admission of the State. In the Senate this people met with a different reception. A report was made by Mr. King, chairman of the Senate committee, against their admission; and the committee took the ground that, as Congress had the right to decide whether this Territory should be divided into one or two States, Congress should have been consulted previous to the formation of their constitution. There was another objection taken by the committee, and that was, that as the census had been taken under the authority of the Territory, and not under the authority of Congress, there was not evidence of the existence therein of a sufficient population to entitle the Territory to admission. The Senate agreed to this report, and passed a bill directing a census of the inhabitants of the Southwestern Territory to be taken. That bill went to the lower House, who struck out every provision contained it, and amended it by providing for the immediate admission of the State into the Union. The Senate receded from the position it had taken; the bill was passed on the last day of the session, as amended by the House; and at the subsequent session, the Senators and Representatives of the new State took their seats in Congress. Now, he would defy any man whatever to point out the distinction between the two cases, unless it be in favor of Michigan. Here is no question whether one or two States were to be formed, making the case strongly in favor of Michigan. Yet, without the previous assent of Congress, Tennessee formed her constitution; knocked at your doors for admission; and, being a welcome stranger, was cordially admitted. He would, then, ask gentlemen to mete out the same measure of justice and liberality to Michigan that was meted out to Tennessee. Ought they to be offended with the eagerness of the new States for admission into all the rights, privileges, and benefits of this Union, at a time when some of the old States were threatening to leave it? Ought we not, said he, to hail the coming in of these new States, our own flesh and blood, and, on account of the absence of a little form, not send them dissatisfied from our doors?

He might view this subject with a partial eye, but he was sure that he had as strong a regard both for Ohio and Indiana as for Michigan; and he most solemnly believed that the very best interests of these three great States required that the question of boundary should be settled in the way that the bill proposed. What had been the conduct of Michigan in relation to her boundary? Did any man believe that the people of that Territory thought that this eastern and western line, running through the southern bend of Lake Michigan, was not an irrevocable line? He himself was of a different opinion; but they had high authority to sanction the belief of Michigan on this subject; an authority that a few years ago would not have been questioned. This people, then, acting under this authority, and under the authority of the act of Congress of 1805, claimed the territory north of the line running due east from the southern bend of Lake Michigan to Lake Erie. One thing had surprised him, and that was, the tenacity and the ability with which his friends from Indiana had taken up this matter, under a belief that the slip of ten miles of their State was in danger. Now, out of Indiana, there were not ten men who had the slightest belief that this respectable State was in any danger of losing any part of its territory. He admired the zeal of his friends on this occasion, but he did not believe there was the slightest cause for their apprehensions. As to Ohio, the case was different. Congress had not, in the act authorizing her to form a State Government, given to her any part of the country north of the east and west line. Nor had they, in admitting her into the Union, recognised her right to it. The proviso in her constitution had claimed it, and, as a matter of expediency, he thought that Congress had the power to give it to her. But he would not go into any remarks on this subject, further than to say that it was his opinion that Ohio ought to have this territory, and that it was her interest that the question should be finally and immediately settled. He would, however, undertake to predict, that if they refused to admit Michigan into the Union, after depriving her of this territory, they would do much to make the contest between her and Ohio one of blood instead of words, and thus the feelings and sympathies of the people would be excited in favor of the weak against the strong. The nation might be very unwilling that you should pass the bill taking this territory away from Michigan, and at the same time turning her away from your doors, and refusing her admission as a State into the Union. He thought that the interests of all required that this entire question should be settled and finally put to rest. On one point he was inclined to agree with his friend from Delaware, [Mr. Clayton.] He was glad to agree with him on any occasion. It was this: he did not think that the ordinance annexed to the constitution of Michigan gave to her Legislature, either in terms or in spirit, the right to alter the boundaries established by it. In that he agreed with him. He said, however, he would not touch the question, whether a sovereign State had or had not, by her Legislature, the right to accept territory from the United States, or to cede a part of her own to another State.

He had received a paper from Detroit, which he presumed had been sent to every Senator, and he therefore would not enlarge on its contents. He was personally acquainted with Mr. Biddle, the gentleman whose name was at the head of the paper, and had a great respect for him; but, as regarded the admission of Michigan, he looked upon that paper as a most unfortunate one, calculated, as it was, to distract and divide, and to delay and embarrass the measures of those who were laboring in behalf of her admission into the Union. The paper undoubtedly conveyed the meaning, that the Senators and Representative of Michigan had been willing to barter away the territory of the State. Now, if ever he had met with three pertinacious gentlemen in his life, it was these very men, one of whom he was proud to call his friend. The line, the irreversible line, fixed by the act of 1805, and by the ordinance of 1787, was the burden of every song they sung. He should as soon have thought of obtaining the consent of a man to deprive himself of his life, as to have dreamed of obtaining the consent of these three gentlemen to the relinquishment of this line. He would do them the justice to say that, if any member of that Senate had ever heard them express the slightest willingness to accept the boundary provided in this bill, he had been more fortunate than himself. He asked any Senator to say whether he had ever heard from them any such intimation. He thought it would be better to amend this bill, so as to refer the question of boundary back to the people of Michigan, in order that they might accept the boundaries described by the bill. He understood that an amendment was prepared, which would meet the views of his friend from Delaware, by making this boundary and the admission of Michigan go hand in hand together; for she certainly never could be admitted until she consented to relinquish the claimed territory to Ohio and Indiana. He would refer to another objection, raised by his friend from Delaware, whom he knew to be a reasonable man, and open to conviction; and he thought he could satisfy him that the objection did not in reality exist. The gentleman had said that Michigan ought not to be admitted under her present constitution, because by it every white male inhabitant in the State had the right of voting, contending that this provision gave the right of suffrage to others than citizens of the United States. He asked gentlemen to mark the distinction here drawn by the gentleman from Delaware, and to judge whether this objection were well founded.

Michigan confined herself to such residents and inhabitants of her Territory as were there at the signing of her constitution; and to those alone she extended the right of suffrage. Now, we had admitted Ohio and Illinois into this Union; two sister States, of whom we ought certainly to be very proud. He would refer Senators to the provision in the constitution of Ohio on that subject. By it, all white male inhabitants, twenty-one years of age, or upwards, having resided one year in the State, are entitled to vote.

Michigan had made the proper distinction; she had very properly confined the elective franchise to inhabitants within the State at the time of the adoption of her constitution; but Ohio had given the right of suffrage as to all future time to all her white inhabitants over the age of twenty-one years; a case embracing all time to come, and not limited as in the constitution of Michigan. He had understood that, since the adoption of her constitution, Ohio had repealed this provision by law. He did not know whether this was so or not; but here it was, as plain as the English language could make it, that all the white male inhabitants of Ohio, above the age of twenty-one years, were entitled to vote at her elections. Well, what had Illinois done in this matter? He would read an extract from her constitution, by which it would appear that only six months' previous residence was required to acquire the right of suffrage. The constitution of Illinois was therefore still broader and more liberal than that of Ohio. There, in all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months previous to the election, shall enjoy the rights of an elector. Now, sir, it had been made a matter of preference by settlers to go to Illinois, instead of the other new States, where they must become citizens before they could vote; and he appealed to the Senators from Illinois whether this was not now the case, and whether any man could not now vote in that State after a six months' residence.

[Mr. ROBINSON said that such was the fact.]

Now, here were two constitutions of States, the Senator from one of which was most strenuously opposed to the admission of Michigan, who had not extended the right of suffrage as far as was done by either of them. Did Michigan do right in thus fixing the elective franchise? He contended that she did act right; and if she had not acted so, she would not have acted in obedience to the spirit, if not the very letter, of the ordinance of 1787. Michigan took the right ground, while the States of Ohio and Illinois went too far in making perpetual in their constitution what was contained in the ordinance. When Congress admitted Ohio and Indiana on this principle, he thought it very ungracious in any of their Senators or Representatives to declare that Michigan should not be admitted, because she has extended the right of suffrage to the few persons within her limits at the adoption of her constitution. He felt inclined to go a good deal farther into this subject; but as he was exceedingly anxious that the decision should be made soon, he would not extend his remarks any farther. It appeared to him that an amendment might very well be made to this bill, requiring that the assent of the people of Michigan shall be given to the change of boundary. He did hope that by this bill all objections would be removed; and that this State, so ready to rush into our arms, would not be repulsed, because of the absence of some formalities, which, perhaps, were very proper, but certainly not indispensable.

Mr. EWING, of Ohio, urged that the precedents referred to by the Senator from Pennsylvania [Mr. BUCHANAN] were admitted under troublesome circumstances, but ought not to be followed. He entered extensively into the merits of the question itself, and urged the numerous difficulties which would follow a premature admission.

Mr. E. offered, in conclusion, an amendment to the bill, changing it, in effect, to the ordinary form of a bill authorizing the Territory of Michigan to form a State Government, subject afterwards to the revision and adoption of Congress; the act of admission to be passed after the ordinary preliminaries should be settled.

Mr. NILES said he hoped the amendment of the Senator from Ohio [Mr. EWING] would not be adopted. He trusted the Senate would consider well the consequences of such a course, before they gave their sanction to it. What is the proposition which is to be offered to the people of Michigan, if this amendment should prevail? It is giving them permission and authority to form a constitution in the way and manner Congress may prescribe, as the preparatory steps for admission into the Union. Sir, they do not ask for this; they have not come here for this purpose; they do not now supplicate Congress for favors; they come here to demand their rights, to demand admission into the Union as a matter of right; they stand upon their rights; upon the rights secured to them by the ordinance of 1787. Gentlemen seemed to forget that they have rights; they seem to throw the ordinance out of the case, to treat the question as though the people of Michigan had no other right to admission than what the constitution secures to them. If such was the case, I think they are entitled to admission; but they stand upon the ordinance, which expressly secures to the people of Michigan, when their population shall amount to sixty thousand, the right to form a constitution, and to be admitted into the Union on an equal footing with the original States; and they have now nearly three times that population. What occasion is there, then, for an act of Congress? Does not the ordinance confer on them all the authority an act of Congress could?

Sir, they do not now ask that you should point out to them the straight and narrow path in which they are to find their way into the Union. They do not ask for authority to form a constitution; they have done this heretofore; for three years they have been memorializing Congress, and you have turned a deaf year to their petitions; they have been repelled, and the door of the Senate has been shut against them. Having for three years been treated with neglect, having been driven from Congress, you have forced them to the course which they have pursued, to stand upon their rights, secured to them by a solemn ordinance, which is irrevocable. They have taken the preliminary steps; they have organized a State Government, and formed a constitution, which they have laid before Congress, and now ask to be admitted into the Union as a matter of right. Will you now refuse them admission, and tell them that all they have done is wrong, and that they must retrace their steps, and come here through the straight and narrow path which Congress may prescribe to them, but which you refused to do when they applied to you for the purpose? Do you think they will do this? Do you think they will abandon the ground which they have assumed—which they have been forced to assume? From the information I have received from the gentlemen representing their interests here, not on this floor, but in this city, I am persuaded they will not do it; should this amendment prevail, they will spurn your law. In what situation, then, will the people of Michigan be placed, and what may be the consequences of such an act of Congress? It may be well for gentlemen to consider these questions.

And why is a course so harsh and fraught with so much danger to be pursued? Why cannot Michigan be admitted now, and in the way she has applied for admission? Numerous objections have been urged; I will not say that they are frivolous, or that there might not be sufficient force in them to occasion doubts, if the questions were raised now for the first time. But such is not the fact; every one of these objections has been overruled in the admission of other States. The question which is now presented to the Senate, and which we are called on to decide, is, whether Congress will adopt new principles in the admission of States into the Union? This is the true question, and I wish it to be distinctly understood. And what reasons have been urged for this? I have heard none. When Congress has for a long series of years acted on certain principles, are they to be abandoned, and new principles adopted, without cause? Have any evils been experienced from the principles on which Congress has acted in the admission of States; or has public opinion condemned those principles? If such had been the case, it might then have been necessarry to re-examine those principles, and, perhaps, to abandon them and introduce a new course of action. Were there any evils from the admission of Tennessee, any in the cases of Ohio, Illinois, and Louisiana? Why, then, shall not Michigan be admitted on the same principles as those States?

Sir, it would be better and more respectful to the people of the State to reject their application, than to adopt the proposed amendment, which they can view in no other light than an attempt to coerce and force them to retrace their steps, to undo what they have done, and fall back into a Territory. But suppose they refuse to do this at your bidding. They consider themselves of age, and do not choose longer to remain under guardianship; they claim the rights of freedom, and ask Congress to acknowledge their rights. They demand justice at your hands. The only question properly before the Senate is the admission of the State, and that question I hope we shall meet directly, and decide it one way or the other. If we reject them, it will then remaim for the people of Michigan to decide what they will do in the new situation in which you will have placed them. To refuse to admit, to deny them justice, and then to undertake to prescribe the course of action for them, would be adding insult to injustice. If they are refused admission, it will be for the people of the State to decide what course to pursue. If they conclude to retrace their steps, and petition Congress for an act similar to what the amendment proposes, it will then be in time for us to pass such a law. But let us not attempt to force them into that course, but leave them untrammelled and free to act as in their judgments the exigency of circumstances may require. He would not examine the objections which had been urged; they had been explained in a manner he thought satisfactory and conclusive by the Senators from New York and Pennsylvania, [Mr. WRIGHT and Mr. BUCHANAN,] but would notice briefly some new obstacles attempted to be raised by the Senator from Ohio, [Mr. EWING.] That Senator thinks there is a difficulty in this case which did not exist in the admission of Tennessee; he says that, by the ordinance, it was left for Congress to decide whether there should be one or two States in the northern division of the Northwestern Territory, and that Michigan has decided this question by forming a State out of part of the Territory. So far the gentleman is correct; it does belong to Congress to decide whether there shall be one or two States, and Michigan, so far as depends on her, has decided that there shall be two States. She probably supposed that the act of Congress of 1805, defining her limits and creating a Territorial Government, had, in some measure, settled this question; as that act might be supposed to have reference to the ultimate creation of a State from the Territory, and its admission into the Union. But Michigan has not taken and could not take this question away from Congress; it is now presented, and must be decided in the question of admission. By deciding to admit Michigan, we of course determine that the Territory shall compose two States, or at least that it shall not all be comprised in one State. If the Senator or any other gentleman thinks that the whole Territory ought to be comprised in one State, that would be a sufficient reason for voting against this bill. But the same difficulty existed in the case of Tennessee. By the cession, the Territory southwest of Ohio was to be formed into one or two States, according to the pleasure of Congress. But before Congress had acted on the question, the people of the Territory decided that it should constitute one State only, and formed a constitution extending over the whole of it, which Congress ratified and approved, and thereby decided that there should be but one State. The cases are precisely parallel.

But the Senator says that it would be, in substance, the same thing to refer the question of the change in the boundaries to the people, to be assented to by them in convention, as to refer back the whole matter. The difference would be very great: in the one case you approve their constitution, and admit the State into the Union, on condition of a change in its boundaries, and submit that question simply to the people, for their assent. It is also said that the constitution cannot be changed, as regards the boundary, without complying with the forms contained in it. A very satisfactory answer has been given to this objection by the Senator from Missouri: that there is no act which the people, by virtue of their inherent, indefeasible, right of power, of sovereignty, cannot do. They can change or abolish their constitution in such a way and form as they may choose. But there is another answer. The boundary is no part of the constitution; to change it is only to enlarge or contract the jurisdiction of the State. But the constitution is in an inchoate state; the gentlemen regard it as a nullity, and mere waste paper. It has been formed as a preliminary step to admission into the Union, and is submitted to Congress for its ratification. If Congress proposes a change in the boundaries of the State, and make the assent of the people the condition of their admission, can they not give such assent in the way we may prescribe? Can they not do an act which is to give force and validity to their constitution? This act is to precede the operation of the constitution; the provisions in the instrument regarding amendments can have no application to an act to be done before the constitution goes into operation by the admission of the State. Those provisions can only be applicable to amendments after the State is admitted, and the constitution is in full force. But even in that case a change in the boundary of a State does not change its constitution, and has repeatedly been done by the ordinary Legislature.

Mr. President, the honorable Senator from Ohio seems to condemn the proceedings of the people of Michigan, and speaks of them as a mere popular movement, a sort of revolutionary measure. But the Senator is mistaken; their proceedings have been regular and legal. From first to last, all their measures relative to admission into the Union have been authorized by the Legislative Council of the Territory. I think they have acted with propriety; that they have been patient and forbearing under the delay, neglect, and what they consider injustice, which they have experienced.

I think their course is clearly justifiable; but if there is any thing wrong or unusual in it, it is to be attributable to the neglect of Congress. For three years they have been rapping at your door, and asking for the consent of Congress to form a constitution, and for admission into the Union; but their petitions have not been heeded, and have been treated with neglect. Not being able to be admitted in the way they sought, they have been forced to take their own course, and stand upon their rights—rights secured to them by the constitution and a solemn irrepealable ordinance. They have taken the census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State Government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude, they now demand admission as a matter of right; they demand it as an act of justice at your hands. Are they now to be repelled, or to be told that they must retrace their steps, and come into the Union in the way they at first sought to do, but could not obtain the sanction of Congress? Sir, I fear the consequences of such a decision; I tremble at an act of such injustice.

There is a point beyond which a free people cannot be driven. Why are the people of Michigan to be vexed and harassed in this way? They feel that they are treated harshly; that great injustice is done them. They have been opposed and resisted in every course they have pursued to obtain admission into the Union; and you have now divided their territory, and taken from them a part of it to which they attach great value. In these measures of opposition to Michigan the Senator from Ohio has acted a prominent part; he has succeeded in opposing their former applications, and in keeping them out of the Union; he has carried through a bill to divide their territory, of the justice or injustice of which I will not speak; but the people of Michigan regard it as an act of great injustice. Will the gentleman still persist in his opposition? Does he wish to drive that people to desperation; to force them into acts of violence? Does he think that by breaking up what has been done, by creating an excitement, and forcing the people to organize their Government again, the result may be different; that it may be more favorable to a certain party or portion of the population, which, he insinuates, took no part in the proceedings in organizing the State Government? Whatever may be the object, such a course is fraught with much danger. Let us not presume too much in the forbearance of the people under measures which, in whatever light we may view them, they will regard as unjust and oppressive. Who is willing to be responsible for an act operating upon a whole people, with their passions excited and inflamed, and calculated to rekindle the extinguished flames, and to produce evils worse than the border war which has happily subsided? Should the amendment of the Senator prevail, a heavy responsibility will rest somewhere; and I fear as much of it will fall on that honorable Senator as he will find it convenient to bear.

Mr. BENTON endeavored to throw the blame of the delay of the admission of Michigan into the Union on the former majority of the Senate. They had from time to time put off the act to authorize Michigan to form a State Government, because its boundary on the Ohio side had not been settled. Mr. B. thought it was not to be borne, that now, when the question of boundary on Ohio is about to be settled, Michigan should not be admitted at once into the Union, after so vigorous an attempt, occasioned by so long a delay. He maintained that there was nothing of a revolutionary character in the measures of Michigan, and that there would be nothing revolutionary in the direct dissolution of the Government, by the people assembled, as by their delegates in original conventions.

Mr. PRENTISS said the proceedings of Michigan on this subject had been irregular from the beginning, and on some points contrary to law. He noticed a number of particulars to this effect. He insisted on the importance of pursuing the ordinary and regular course.

Mr. WRIGHT proposed to amend the bill so that Michigan might be considered a member of the Union as soon as it should give its assent, by convention, to the provisions of the bill.

Mr. DAVIS said (in substance) the Senate is now agreed in one thing, and that is that this bill, which proposes to admit Michigan into the Union with the new boundaries assigned to her by it, upon her assent to the same by her Legislature, ought not to pass without amendment; for all now agree that such an assent, to be valid, must come from the people. It is, therefore, proposed to amend the bill so as to require such assent by a convention of delegates elected for that sole purpose.

It is now evening, and the Senate fatigued; and he feared the destiny of the measure, in its present form, was too certain. He could not, however, give his final vote without an attempt to put the bill into a shape better suited to the policy of the United States and to the interests of the Territory. There is an admitted necessity for a convention. Those who are anxious to hurry the measure to its end allow it, because, in the first place, a portion of the population, which is embraced by the boundaries contained in the constitution made by the convention of Michigan, is now assigned by us to Ohio and Indiana. If these people voted for delegates, or aided in making this constitution, then it is not a constitution made by Michigan alone, nor can we know what the result would have been if Michigan alone had acted on the question: it might have been different. It is the collected judgment of Michigan alone that we look for. In the second place, we have added a territory, west of the lake, equal to one half of all the territory embraced by the constitution, making the State one third, at least, larger than the constitution makes it. The inhabitants on this territory were not represented in the convention, and had no voice in making the constitution. They are, doubtless, few in number, but we know not what their counsels and strength might have accomplished, and it is very clear they ought to be heard. In a word, we have assigned new boundaries, by which we have excluded some territory, and added a large tract of country. Nothing can be plainer than that a State cannot, by its Legislature, diminish or enlarge its territory. The Legislature of Michigan cannot, therefore, settle this question. Hence the necessity of so amending the bill as to submit the matter to a convention of the people residing within the new boundaries, whether they will assent to these boundaries, and make their constitution conform to them.

I am rejoiced to find on this point great unanimity, and that the thought of forcing a State into the Union by an assent of a legislative body to its boundaries is abandoned.

But the mover proposes that the convention shall be called for this sole purpose, meaning, doubtless, that if the people of Michigan shall alter their constitution in any other respect, they should not be admitted into the Union. I am, sir, for striking out this limitation, and leaving the whole matter to the discretion of the people. There is an obvious impropriety in restraining their action; it implies a distrust, a want of confidence, which I, for one, do not feel. If they are content with the instrument as it is, so be it; if, on the other hand, they think it expedient to modify, why tie them down to this single alteration? I do not like the mode in which Michigan has conducted this business. She has assumed rights that all agree are not well founded, and the consequence is, that she stands in an embarrassing posture. She claimed to be a State before she could be one. She has acted as such without authority. She has elected Senators, when our constitution provides that they shall be elected by the Legislature of the States, and by no other authority. She had no such Legislature. She has elected a Representative, when the constitution of the United States allows none but the people of States to elect representatives, and none to vote for such a person except those who are qualified to vote for the most numerous branch of the State Legislature. If she claim rights under this constitution, as she does when she claims to be represented here, then she must be not only a State, but one of the States of this Union, over which the constitution spreads itself; but we all agree she is not, or we should not be making provisions by law for her admission.

This shows that her proceedings need revising. There is not only propriety in it, but a clear necessity for it. I am therefore for striking out so much of the amendment as confines the action of the proposed convention to the boundaries alone, and leaving the whole matter to her deliberate judgment, to be disposed of as the people in their wisdom shall deem expedient. She will have ample time to modify her constitution, and to prepare for and participate in the coming presidential election. She will be here ready for admission at the coming term of Congress; and if there be objections to that, as postponing the day too far, then, under the peculiar circumstances which exist, let her, upon agreeing to the boundaries, come in at once. I will extend to her my confidence, and trust her to make such amendments as she may deem necessary. In doing this, we hazard no more than occurs almost every year; for States amend, alter, and modify their constitutions at pleasure; and, if you deny her the right now, she will do it if she please as soon as you have admitted her. I do not like the precedent; but, as things are, I have no difficulty in giving her my confidence by anticipation, for I am anxious she should become one of the family as soon as she can with any propriety.

If this amendment succeed, then several others will be equally necessary; for we cannot legislate Senators and Representatives into their seats unless they are constitutionally elected. Instead, therefore, of providing, as this bill does, for the admission of certain persons said now to be elected to seats in the two Houses, it should provide, if any provision is necessary, that Michigan shall have simply the right of representation in both branches of Congress. The inquiry has been put by the Senator from New Jersey, [Mr. SOUTHARD,] and I have heard no one answer it, how can you, by law, assign seats to these individuals? The constitution forbids this course, because it says we shall pursue another. It declares that each House shall be the exclusive judge of the election of its members. This right cannot be superseded by a statute, for joint action is substantially forbidden.

But there is a greater difficulty than this. There can be no State Legislature without a State, and no Senators without a Legislature. There can be no Representative unless elected by the people of a State qualified to vote for representatives to the most numerous branch of its Legislature. How, then, can the Legislature of a Territory make Senators, or the people of a Territory make a Representative? And can we by a law supersede the constitution? Can we make a law that Wisconsin shall have Representatives and Senators here? We cannot, because the constitution forbids it. If they elect them, and send them here, can we by law receive them? Is not this just what this bill proposes to do? Michigan is admitted to be only a Territory. I entreat the Senate to leave the whole matter open to the people of Michigan, and to leave it open in the most favorable way to secure to them all their rights and privileges, both in this body and in the coming elections. Let them present persons here who come in according to the constitution. Do not tie her hands, and thus force yourself to receive men who are not elected by a State, but by a Territory.

If these amendments cannot be made, I cannot vote for the bill, though I shall vote against it with great reluctance, for I sincerely desire her admission.

After concluding his remarks, the amendments, on motion of Mr. DAVIS, were ordered to be printed.

On motion of Mr. MANGUM,

The Senate adjourned.

THURSDAY, MARCH 31.

OHIO RESOLUTIONS.

Mr. MORRIS, after presenting some petitions on the subject of the Cumberland road, said: I have another petition to present, which I shall ask to lay on the table, and move that it be printed. It is a preamble and resolutions passed by the General Assembly of the State of Ohio, instructing the Senators from that State to vote for expunging from the journals of this body the resolution passed in March, 1834, condemnatory of the President for the removal of the deposites from the Bank of the United States. These resolutions were passed by the Ohio Legislature early in January last, and I received an official copy some time during that month. I have thus long delayed presenting them, in hopes they would reach your table through another channel. On yesterday morning I received a number of other resolutions, passed by the Legislature of our State. Copies of a like kind my honorable colleague seized the first moment after the reading of the journal to present. I was highly gratified for his attention and respect to our State, and not only for the prompt manner, but the cheerfulness with which he presented these resolutions; and I felt quite sure that now the resolutions of instruction from Ohio would be also presented, and myself relieved from the performance of this duty; but, sir, I was sadly disappointed. My honorable colleague did not find it convenient for him to present them. He no doubt has his reasons for not doing so. Probably he has not received from the Governor of the State a certified copy. If this be the case, he is unquestionably excusable; but, if a copy has reached him, and it is his wish to present it, I will most cheerfully return the one I have, and give him the opportunity of presenting to this body the one in his possession at any time he may think proper.

It now becomes my duty, (said Mr. M.,) a duty I owe to the State and the country, to present them. I take this occasion to say, and I have no doubt of the fact, that these resolutions express the sentiments of a vast majority of the people of Ohio. I venture this opinion without fear of a successful contradiction; for it will be remembered that, during the session of Congress which has so appropriately received the name of the panic session, resolutions were passed by the Ohio Legislature, instructing their Senators in Congress to aid in sustaining the President in the removal of the public money from the Bank of the United States, and to oppose a recharter of that institution. We were then told, with great confidence, that the General Assembly had altogether mistaken the opinion and wishes of their own constiutents, and those upon whom resolutions of this kind were designed to operate took an appeal from the constituent body to the people at large; and, to influence the public judgment, the people were told that, should the deposites not be restored and the bank recharted, a most deleterious effect upon the trade, prosperity, and welfare of the country would be the consequence; that, in fact, it would make our "canals a solitude and our lakes a desert waste of waters." The long, loud, vehement, and repeated denunciations of the President for his act in removing the deposites, the fearful forebodings so strongly and eloquently urged on this floor to the fatal issue of that act, all coming in aid of the means used by the bank in producing distress in the country, took some effect, and operated for a moment on the public mind in Ohio. It threw into each branch of the General Assembly for that year a small majority opposed to the administration, but even that General Assembly, elected, as it was, under the full pressure of bank power and panic speeches, had not the temerity to instruct the delegation in Congress from Ohio to vote either for a restoration of the deposites, or a recharter of the bank; they well knew that such instructions would be a violations of the public will, and they still, in appearance at least, paid so much regard to that, that they did not attempt it, but contented themselves with a bare repeal or rescinding of the resolutions passed on that subject at the previous session, and thus, in order to save themselves and friends, indirectly denied the right of instruction by the Legislatures of their Senators in Congress. The appeal to the people was then perfected, and the issue thus made fairly presented to the voters of Ohio to be tried at the election held in October last; and what has been the verdict? A solemn decision that the right of instruction exists in the Legislature, and that Senators are bound to obey. That verdict is recorded, and judgment pronounced in the resolutions I now offer. But, sir, that judgment has also been reviewed and reaffirmed, and is presented here with a double force, not only as the opinion of the last General Assembly, individually considered, but as required by the people of Ohio at the hands of their representatives (as the General Assembly has rightfully declared) in the passage of these resolutions. It is hoped and expected that this high and solemn mandate will not be entirely disregarded, and the requirement of the General Assembly altogether useless. The obligation that a Senator is under to his own State, and the duty he owes, are of too sacred a character to be lightly dispensed with. Disobedience by a Senator to the instructions and requirements of his State, as expressed by her Legislature, is a deep and festering wound in the vital principles of our institutions, which, if not speedily cured, will soon assume a fatal ulcer. It is, in the first place, a total abrogation of the doctrine that the legislative body is the true representation of State sovereignty. And it gives to the Senator, for the time being, all the attributes of despotism, the full and free exercise of his own will and authority, without accountability. But, sir, could any one for a moment entertain such doctrine, and deny to the Legislature the right of instructing Senators of their States, yet, in this case, the resolutions offered have another and different support, little inferior to the legislative body itself, and probably more conclusive to the real sentiment of the people on this important subject. The convention which met at Columbus, on the 8th of January last, composed of about five hundred members, representing upwards of sixty counties, being nearly the whole number in the State, by a unanimous vote, passed a resolution in the following words: "*Resolved*, That we regard the right of instruction as the sheet anchor, the main pillar of our freedom, and that we are determined never to surrender it, but to the last to stand by it. Convinced, as we thoroughly are, that it is only by the frequent and rigid exercise of this invaluable privilege that the democratic character of this Government can be preserved, we believe the agent who disobeys to be unworthy the confidence of his constituents, and that he ought to resign his seat." It is true, this convention was composed of men friendly to the present administration; and as a doubt no longer exists that a majority of the people of Ohio are of the same opinion, the convention thus reaffirming the principles of the resolutions passed by the General Assembly must satisfy every man that Ohio requires her Senators to vote as instructed by the Legislature. But, sir, this is not all; we had another convention, a grand whig convention, held on the twenty-second of February last, and they claim that a number of returning prodigals had come into their ranks, and the great ox, instead of the fatted calf, was killed, and they had much rejoicing; and it is hardly necessary to say, that opposition to the administration was their watchword; and while they boast of having far outnumbered the former convention, they did not open their lips on the subject of the resolutions of instruction passed by the General Assembly. In the pride of their strength, they were endeavoring to catch the popular gale, and well knew that opposition to those resolutions would prove their overthrow. I have before me a paper containing an account of their proceedings, and I find no resolution, *pro* or *con.*, on the subject of instruction to Senators here. This silence is evidence of approval by our political opponents in Ohio, or that they well knew that the people of that State strongly disapproved of the condemnatory resolution passed by the Senate. This exciting subject had occupied public attention. Almost every man in Ohio had thought and conversed on the question, and the whig convention, no doubt, would have used it to their advantage, if in their power.

Under this highly responsible situation, are we called to act and vote; and the great question is, shall we do our own will, or the will of that sovereign power which sent us here? It is a hopeless warfare to be contending against our States; it is a kind of moral treason, for which, sooner or later, we must expect to suffer the penalty; it is wisdom, then, for us to make our submission at once; and when we are called to vote on the resolutions offered by the Senator from Missouri, that we vote in their favor. I have now strong hopes that Ohio will be united in her vote here on this important question. Her Senators appear to pay the highest respect to the resolutions of her Legislature. I hope the one I now offer will not form an exception to our general conduct. Can we refuse our obedience on the ground that this resolution requires an unconstitutional act? We ought to pause before we make this excuse, and well distrust the correctness of our own opinion, when it comes in contact with that of the opinion of our State, repeatedly, and I may add, almost, if not entirely, unanimously expressed, not only of our own State, but of twelve States, while not a single State has expressed a contrary opinion. It is the opinion of the State, and not the individual agent, that ought to be known and felt here. If the agent is unable, from conscientious motives, to express that opinion, his path of duty is plain before him.

Mr. EWING, of Ohio, addressed the Senate to the following effect:

Mr. President: I must ask the indulgence of the Senate while I say a few words in reference to the written paper just read by my honorable colleague. That paper seems, from its import, to have been drawn up and designed to exhibit a brief schedule of my past misdeeds in the Senate, accompanied with suitable reprehension therefor: likewise to furnish me with all the further instructions that are necessary as to the manner in which I shall deport myself, and the votes that I shall give while here; and, by way of giving the necessary and proper sanction to the whole, something is indicated about the penalty that I incur if I fail to obey the Legislature, or if I disregard my honorable colleague's admonitions. All this is, doubtless, very well meant; it is certainly drawn up with much care, and ought therefore to be treated with very great respect.

My honorable colleague was disappointed that I did not present the resolutions of our Legislature, instructing me to vote for defacing and mutilating the journals of the Senate. I can explain to him why I did not: first, let it be observed, that those instructions were directed to ourselves, not to the Senate; it was a paper not regularly to be presented—a paper, indeed, which could be received only as a matter of courtesy. I therefore was not bound to present that paper by that principle which requires me to present petitions and memorials so addressed; it was a mere matter of choice whether I should or should not present it; and as, in my judgment, it reflected no honor upon a State whose reputation I have much at heart, I did not obtrude it here upon the notice of this body. If these reasons had not been sufficient to prevent my offering that paper, there were others that would have had some weight. I did not like its contents, and could feel no pride or pleasure in being the organ through which it was communicated here. I knew the case to be different with my honorable colleague, and I would not therefore take upon myself an unpleasant task in order to deprive him of a very pleasant one. It would have been abstracting too much from the general sum of human happiness to have done so.

I did indeed wonder that my honorable colleague delayed its presentation so long. I supposed that he was waiting for some occasion on which he could bring them in with proper effect, when all circumstances would conspire to give it due eclat, and that the most favorable occasion hoped for had not yet arrived. Such was my impression, when once or twice I gave it a passing thought, I did not then know, or suppose, that my colleague expected or wished that they should be presented by my hand, or that he was preparing or compiling a written philippic to read against me in the Senate on its presentation. I cannot, I confess, charge him with haste or precipitation. He has had time enough to give the last polish to his much-labored production. As for the memorials which I had the honor to present yesterday, they were received by me with the morning's mail. I glanced them over, and found that they requested us to do things that must have their origin before committees of one or the other House. As I did not disapprove of the object of any of them, I, in good faith, took the most speedy mode of bringing them before the Senate. These, Mr. President, are the reasons why I presented the one set of papers, and not the other.

But, if I agree to the doctrine that the Legislature, or rather a party in the Legislature of my State, have a right to instruct me, and to require obedience, it does not follow as a necessary consequence that my colleague has the same right; and I believe the Legislature have not transferred their power over me to him; at least, I have received from them no directions to obey him. I must, therefore, and with very great respect, decline obedience to the mandates of my honorable colleague, and he will also excuse me if I decline being intimidated by his threats.

My colleague has referred to instructions heretofore given me by the Legislature of Ohio, which I refused to obey, and he quotes these instructions as the verdict upon the appeal which I then took to the people from the Legislature.

He is right in saying that I took such appeal, but he is wrong in averring that this is the verdict upon it. I did, sir, when instructed by a party in the Legislature of 1833-'4 to surrender my judgment to the will of the Executive, and become the mere instrument of power, instead of the manly representative of a free people—I did refuse to disgrace myself and my State by obedience to such mandate, and I did appeal distinctly and directly to the people, to pronounce upon the propriety of my course. The result was not an affirmation of the instructions, not the mandate repeated—go and be a slave—but a Legislature was returned who, by a large majority, rescinded in 1834-'5 the instructions of the former year, which I had disregarded.

Now, sir, I supposed, and my friends supposed, that there was an end of this matter. Judgment had been pronounced upon the subject by the sovereign power, and few, if any, within the scope of my acquaintance, or so far as I have heard, raised the question again at the elections in 1835. It was not the question upon which that election turned. How, then, can my colleague say in a prepared paper like this which he has read, where there ought to be accuracy, how can he say that these instructions of 1835-'6 are the judgment of the people on the appeal so taken two years before?

As to the instructions which are now presented and laid upon your table, I shall obey or not, according to my own best judgment, and I shall, if other duties do not too much press upon my time, give the reasons which will induce the course I may pursue. If any one inquired of me now, who had a right to an answer, as to what that course will be, I would not hesitate to give it; but you may rest assured, sir, of this: it will be open, manly, and independent. I will do no weak, or criminal, or dishonorable act. I will not, in obedience to any dictation, violate my oath as Senator, or join in degrading the body to which I belong. In short, sir, I shall act in this matter, not as a passive tool of a party, but as becomes the representative of an honest, manly, and independent people.

Mr. MORRIS, in reply, said that he had not the least expectation that he should be called on for any explanation, or be under the necessity of making a reply to any thing that should be said by his colleague by way of excuse or otherwise; but he had found himself mistaken; and the matter which he had offered was overlooked, to get at the manner in which the act was done; and his colleague appeared so much affected by it, that he had entirely misunderstood or misrepresented (no doubt unintentionally) what he (Mr. M.) had said; and his looking at a paper was made cause of loud complaint. He would now endeavor to set his colleague right, by speaking verbally. It was true, Mr. M. said, that he had been a silent member in that body, almost entirely; so that his friends here and elsewhere had, in a good degree, censured him; that he heard many arguments which he thought both weak and fallacious; but he had refrained from speaking while there were so many gentlemen willing to speak, and far more competent to the task than he was. But his colleague ought not to suppose that, because he had been silent, he could not defend any position he assumed, if it was necessary for him to do so; he had never, heretofore attempted, nor should he now endeavor, to talk himself into notice; he relied on the truth and justice of the case, and the good and sound understanding of the American people, to make the application; and he would remind his colleague that politicians were sometimes so unfortunate as to talk themselves into a very unfavorable notice; that their very words might become a desert waste. His colleague had complained, almost in the language of wo, that he had coolly and deliberately written, and he had no doubt with much time and care, and now read to him, a lecture for not obeying the instructions of the Legislature of his State, and for not presenting these resolutions, when the General Assembly had not required of him such presentation; and he had done so because he had no doubt it gave him (Mr. M.) much pleasure in presenting them. Mr. M. said his colleague did not well understand or know him, when he supposed that the presenting these resolutions had given him any peculiar pleasure. It was true that it always afforded him pleasure do his duty; but he could assure not only his colleague but the Senate, that he had detained those resolutions a long time in his possession, in the hope that they would find their way into that body, as he had before said, through some other channel. Other resolutions, of a like character, had been presented; and he would ask by whom? and leave his colleague to make his own answer, and exercise his own reflection on the question, but he confessed he was somewhat surprised that his colleague, on yesterday, at the very first moment that it was in order to do so, presented the resolutions that had been forwarded us from Ohio on various subjects, and leaving this, the most important one, still unpresented. He was perfectly willing his colleague should have the honor of presenting to the Senate all the papers sent here by his State. He would never attempt to snatch a single leaf from his brow; but he did think that it was unkind, if not unjust, in his colleague, not to present all, when in his power to do so. And when he had seen and felt this act of unkindness, he thought it would be a dereliction of duty on his own part longer to wait on his colleague, and he had hastily thrown his ideas on paper, to prevent misrepresentation here or elsewhere, and had recurred to them as full notes of what he said. But it was strange, indeed, that a serious charge should be made here for reading a paper; but he (Mr. M.) well understood what was intended. Its effect abroad was no doubt hoped for; but it would be a vain hope where it was expected to be most operative. But why attempt to evade the facts by a charge against the manner of delivering, if his remarks had been coolly and carefully prepared, as his colleague had erroneously been led to believe? If they are not facts, they can be as easily contradicted and overthrown, when delivered in one form as another; and, said Mr. M., I call on my honorable colleague, if the fact be not correct, to at once deny it; it would give him pleasure to be corrected; and if his reasoning was not correct, refute it. He had no other object but that right and justice should take place; but it was rather a small matter to evade a charge on the ground that it was read from a paper, when it might have been verbally made. His colleague had said he had not presented this paper, because the paper itself did not require him to do so; at least, that was assigned as one reason. He would call on his colleague to say, if the same reason did not exist as to all the papers and resolutions he had offered on yesterday to the Senate; and why it was that distinction should be made between acts of the same kind; why one paper should be presented without such request, and another withheld on that account.

[Mr. EWING here rose, and was understood to say that none of the papers contained any special request that they should be presented, and he considered it discretionary whether he should or should not present them.]

Mr. M. continued. He was glad of the explanation; discretion was sometimes the better part of valor. We are willing to make a record here of all these acts of our Legislature sent us, but those which operate on ourselves; this he considered would be an act of injustice towards the State, against which he protested. But, said he, I am charged with having neglected to state that the appeal which his colleague admitted he had taken had been decided in his favor.

Mr. M. said that, if he was so unfortunate as not to be able to make himself understood by his colleague, when he had charged him with reading deliberately from a paper, he had little hope of better success now; but he would assure his colleague that he had said, and he now repeated it, that, under the influence of panic speeches, aided by the means and power of the bank, operating like an electrical shock on the people, it threw into the Ohio Legislature a small majority of the gentleman's political friends; but even they did not attempt so far to violate the public will as to say one word in favor a recharter of the bank or a restoration of deposites, but contented themselves with repealing or rescinding the former resolution. This brought up the great question, the right of instruction by the Legislature of a State to Senators in Congress, which was fairly tried and settled in Ohio at our last elections, and will, by the people of that State, he had no doubt, be fully and permanently maintained. He said that he confined his remarks to Ohio only; he did not now attempt to enter into the inquiry, whether the expunging power was constitutional, or whether the resolutions passed by the Senate were, or were not, justly passed; he passed by these inquiries at present; they were not necessarily connected with the right of instruction and the duty of obedience; a right which his colleague denied to the Legislature of his State; and as he understood he again appealed to the people for his resistance against the resolutions now offered, he (Mr. M.) contended that the sovereignty of the State ought to be represented in this body; that for this purpose was the Senate itself constituted, and that under our form of Government that sovereignty was vested in the State Legislatures, and they alone ought to be respected as the legitimate organs of instruction to Senators here. And he now called upon the people of his State to listen to their own Legislature, and to look to it as the great bulwark of all their domestic rights, and for the very preservation of their liberties. If they could be disregarded and treated with supercilious contempt, and their instructions made matter of appeal by an individual Senator here, on the ground that the legislative body had not the power or right to give such instructions; and if they should sustain such pretensions, they would not only surrender all their sovereignty into the hands of two men not elected by themselves, but they would in fact surrender all their rights into the hands of a dictator—would become slaves of an irresponsible power, and would, in fact, be fit to be such.

Not wishing to push himself into notice by public speaking, he felt entirely satisfied to give his colleague every opportunity to do so. He well knew that they represented an intelligent, thinking, and judging people, capable of understanding their rights, and who well knew the means of maintaining them; and in many instances the arguments of opposition would do more for the cause of truth than any thing that could be said in its behalf. Such had been the effect of panic speeches, and visionary predictions, in which his honorable colleague bore a conspicuous part. Ohio had been literally flooded with them; but they were driven and scattered before the power of reason, like summer clouds before the winds, and were absorbed and lost before the light and power of truth, like the morning dew before the rising sun; and he now predicted that this second appeal of his colleague would share a like fate; it never could, it never would, be sustained while the people have a just knowledge of their rights, and were able and willing to maintain them; and he was a poor political calculator, indeed, who did not know that this was the case; and, for his own part, he had such abiding confidence in the intelligence of his fellow-citizens that he could not even doubt but it would for ever continue. He said he disliked personal allusions or personal altercation on the floor of the Senate; he had, however, heard it often, and regretted it was so; he was not disposed to make such attacks, but always ready to repel them.

Mr. EWING, of Ohio, said he had received a copy of these resolutions some time ago, but did not feel exactly bound to present them. The paper that was sent to him was for his own private purpose. His colleague, on that question, had no need of instructions; and he (Mr. E.) could not have found it in his heart to have deprived him of so agreeable a task as that of presenting them. It seemed his colleague had had time enough to prepare the lecture he had just read to him, (Mr. E.) If the people of the State had instructed him, (Mr. E.,) he was not bound to obey the instructions of his colleague. In 1834, instructions were presented by his colleague, and ordered to be printed. He (Mr. E.) voted against them, and made his appeal to the people on this floor; and the next Legislature that assembled rescinded them. His appeal was then answered, and he had no further appeal to make. He was not called upon by his colleague to state what course he should pursue. He should pursue a manly and independent course, and he was not to be swayed or turned aside from it. He should pursue it, regardless of consequences. He disregarded party dictation.

The resolutions were then laid on the table and ordered to be printed.

PUBLIC LANDS.

Mr. WALKER, pursuant to notice, asked and obtained leave to introduce a bill to reduce and graduate the price of the public lands to actual settlers alone, &c.

The bill having been read twice, Mr. W. moved that it be referred to a special committee of five.

Mr. CLAY rose and said that, were it not an unusual course, he should move to reject the bill immediately; that it was in fact a bill to give every thing to the new States, and leave nothing for distribution among the older States of the confederacy. That, with its graduation clause and donation clause and pre-emption clauses, it might as well be called by its true name—a bill to give the whole of the public lands to the new States, or to the settlers that would roam over them.

Mr. CALHOUN rose and opposed the provisions of the bill, particularly the clause reducing the price of the public lands and granting pre-emption to settlers, and closed by moving a reference of this bill to the Committee on the Public Lands.

Mr. WALKER rose and said that, having introduced this bill only this morning, he could not have anticipated any debate, much less could he have expected the severe denunciations which this bill had received from the gentleman from Kentucky, [Mr. Clay.] What, said Mr. W., reject without consideration a bill the principal features of which have received the sanction of at least six States of this Union! Mr. W. proceeded to contest Mr. Clay's position, that this bill gave every thing to the new States and left nothing for distribution among the old States. Mr. W. proceeded to compare the provisions of this bill with that of Mr. Clay, and to show that a larger sum would be left for the use of the people of the whole Union under this bill than under that of Mr. Clay; that the objection heretofore made to the reduction of the price of the public lands by the gentleman from Kentucky, [Mr. Clay,] and renewed at this session by the gentleman from Ohio, [Mr. Ewing,] was, that it would operate against the settlers, and in favor of speculating monopolists, who would enter all the lands at the reduced price. Mr. W. said his bill was not liable to this objection; that it reduced the price only in favor of the actual settlers, and would arrest monopolies of the public lands. That if the gentlemen from Ohio and Kentucky were against monopolies, and in favor of the actual settlers, they ought to support this bill; but, from their opposition to it and to pre-emptions, it was obvious that they were opposed to the actual settlers. Mr. W. said he had heard with regret the actual settlers denounced in the Senate as squatters, as if that were a term of reproach. Sir, said Mr. W., our glorious Anglo-Saxon ancestry, the pilgrims who landed on Plymouth rock, the early settlers at Jamestown, were squatters—they settled this continent with less pretension to title than the settlers upon the public lands. Mr. W. said that Daniel Boone was a squatter; that Christopher Columbus was a squatter; that many of the most enlightened of his (Mr. W's) constituents, many members of the Legislature which sent him here, were squatters; that so was the Speaker of that body, (Colonel Irwin,) a man of great intelligence and worth, and of gentlemanly deportment, equal to that of any Senator on this floor. So also was one of the Representatives of Mississippi in Congress [Mr. Claiborne] at one time a squatter upon public lands; yet he is a citizen who, for unblemished purity of character, for intelligence and worth, and for talents also, might fairly challenge a comparison with that of any man of his age in the country. And, sir, said Mr. W., these much-abused squatters constitute many, very many, of the people who sent me here; and, Mr. W. said, he would defend both their rights and character so long as he had a seat on this floor. They are the very men who cultivate the soil in peace, and defend your country in war, when those who denounce them are reposing upon beds of down. These, said Mr. W., are the men who, in the trackless wilderness, and upon the plains of Orleans, carried forward to victory the bannered eagle of our great and glorious Union. Sir, said Mr. W., these are the men with whom the patriot Jackson achieved his great and glorious victories; and, sir, if but one thousand of these much-abused squatters, these western riflemen, had been at Bladensburg, beneath their great commander, never would a British army have polluted the soil where stands the Capitol of the Union. No, sir, they would have driven back the invader ere the torch of the incendiary had reached the Capitol, or they would have left their bones bleaching here, (as did the Spartans at Thermopylæ,) alike in death or victory, the patriot defenders of their country's soil, and fame, and honor. [Here Mr. W. was interrupted by warm applause from the crowded galleries, which ceased, however, upon a call to order by the Vice President, when Mr. W. resumed.] And, said Mr. W., it is proposed to send this bill to the Committee on Public Lands; a committee that has already reported against reducing the price of the public lands; against granting pre-emptions to settlers; against every other material feature of this bill—to send this bill there, to have another report against us. No, said Mr. W., we have had one report against the new States and the settlers in them; and now let them be heard through the report of a select committee, and let argument encounter argument, and the question be decided upon its real merits. Mr. W. concluded by illustrating and defending that portion of his bill which granted remuneration to Alabama and Mississippi for the loss of the five per cent. fund and sixteenth section.

Mr. CLAY rose and stated that his opposition to this bill had produced at least one good effect, to elicit the burst of eloquence from the gentleman from Mississippi [Mr. Walker] which had just now so much delighted the Senate and auditors. He disclaimed any intentional disrespect to squatters, but hardly thought they would have saved the Capitol unless they had given up their habits of squatting. He hoped the motion to refer the bill to the Committee on the Public Lands would prevail.

Mr. KING, of Alabama, said this debate has taken a most extraordinary range upon a bill introduced on leave by a Senator in his place, who proposes to give it the usual direction of reference to a committee, to examine and report upon its merits, and correct its details. Gentlemen have pressed forward to the discussion, as if by committal they were about to establish the provisions of the bill by solemn enactment. The impropriety of such a course was made manifest by the fact that, throughout this protracted debate, gentlemen had altogether mistaken the provisions and objects of the bill. One Senator [Mr. Clay] had attacked it, as interfering injuriously with his favorite system for the distribution of the proceeds of the sales of the public lands; yet such he will find, on examination, is not the fact. Another Senator [Mr. Calhoun] sees in it a most extravagant claim on the part of the new States; the sacrifice of the interest of the old States to enrich the new; and the opening of a door for frauds innumerable. Well, sir, is this so? Let us (said Mr. K.) examine a little into the actual provisions of the bill, and we shall then be able to determine how far they justify the declarations of the honorable Senator. Sir, (said Mr. K.,) one of the provisions is, that the general Government shall pay to the States of Mississippi and Alabama a sum equal to five per cent. of the proceeds of the sales of the lands lying within their respective limits, acquired by treaty with the Chickasaw nation of Indians. Is this (said Mr. K.) an unreasonable or extravagant demand? By a solemn agreement entered into by those States with the general Government, it is expressly stipulated that five per cent. of the proceeds of the sales of the public lands within their jurisdictional limits shall be set apart for their benefit, three to be expended under the direction of those States, and two under the direction of the general Government, in making roads without their limits, but leading to them. Here, then, is a vested right, for which the States paid more than an equivalent. But it pleased the Government to enter into a treaty with the Chickasaws for the cession of their lands, in which they stipulate to give to the Indians the whole of the proceeds of the sales, reserving no part to satisfy the claims of the States in which the lands are situated. Can you, by your own act, annul your contract, and justly, legally, deprive them of this sum? Every lawyer will answer no; the obligation is perfect; the money must be paid. So much for this extravagant claim of the new States, which has so strongly aroused the Senator's apprehensions.

Let us (said Mr. K.) examine another of these extravagant claims set up by this bill. Why, sir, when our admirable system for the survey and disposal of the public domain was devised, it was determined, from the wisest and most praiseworthy of motives, to set apart the one thirty-sixth part of each township for the purposes of education. The section, as near the centre as practicable, was designated; this was the sixteenth; here the school-house was to be built, that the children of both rich and poor might have convenient access to it; and from the proceeds of the rent or sale of a part or the whole of this section, the poorer children of the township were to be educated. When those States formed their constitutions, this grant of the sixteenth section constituted a part of their compact with the general Government. It has always heretofore been held sacred, as much from the laudable objects to be accomplished by it as from the legal obligations of the Government. By the provisions of the Chickasaw treaty, these lands have been, or are, liable to be sold for the benefit of the Indians. With what semblance of justice, then, does the Senator from South Carolina pronounce this claim for remuneration to be an effort, on the part of those States, to appropriate to themselves the public domain? Sir, (said Mr. K.,) they but contend for their rights; strictly legal rights. Can you withhold them? You cannot. Your sense of justice, and of the sanctity of your obligations, forbid it. The bill also contains (said Mr. K.) another provision, which rests, it is true, upon a different footing, involving the liberality of Congress. He would not now enter into an examination of the propriety of granting pre-emptions to actual settlers in the mode proposed; he would reserve himself for a future occasion. He would only say that, guarded as it seemed to be in the bill, none of the frauds apprehended by the Senator from South Carolina could take place; but if those guards were not found to be sufficient, it would be the duty of the committee to throw around the public domain other and stronger guards. He would merely say that nine tenths of the frauds which had been perpetrated under previous pre-emption laws grew out of the floating provision contained in them; none such is to be found in this bill; the settler will be confined to the lands actually cultivated, and under no circumstances will be permitted to take any other. One word (said Mr. K) as to the proper committee to which it should be referred. It embraces, as has been shown, various objects; part involving legal questions, which might very properly have been referred to the Committee on the Judiciary; and, had he been consulted by the honorable gentleman who drew the bill, he should have advised the introduction of two, rather than include the whole in one. He has preferred that they should all constitute one bill, and I am not disposed to disturb his arrangement. He mentioned it merely to show that the bill did not, strictly speaking, appertain to the duties of the Committee on the Public Lands; and will you (said Mr. K.) violate in this case a well-established parliamentary rule, which requires that subjects shall not be committed to committees known to be hostile to the objects they contemplate to establish? On all hands we are told that the Committee on the Public Lands have already prejudged this matter; that they are known to be decidedly hostile. He would ask gentlemen whether, under these circumstances, they would refuse a select committee to the honorable gentleman from Mississippi, and send his bill to be smothered by the Committee on the Public Lands? Such a course would be discourteous to the honorable Senator, violatory of parliamentary usage, and unjust to the States interested.

After some further debate, in which Mr. CLAY, Mr. CALHOUN, Mr. EWING of Ohio, Mr. BLACK, Mr. PORTER, Mr. BUCHANAN, Mr. MOORE, and Mr. WALKER, participated, Mr. CALHOUN's motion to refer the bill to the Committee on the Public Lands was lost by the following vote:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, King of Georgia, Knight, Leigh, McKean, Mangum, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—19.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Linn, Morris, Moore, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—25.

Mr. WALKER's motion to refer the bill to a select committee then prevailed, as also the motion that the committee be appointed by the Chair.

The committee consists of the following gentlemen: Mr. WALKER, chairman; Messrs. EWING of Ohio, LINN, PRENTISS, and EWING of Illinois.

ADMISSION OF MICHIGAN.

The bill to admit the Territory of Michigan into the Union as a State, and for other purposes, was taken up and considered.

The question being on the amendment offered by Mr. WRIGHT, making the admission conditional on the compliance of a convention of delegates, elected by the people of Michigan, with the provisions of the bill,

Mr. SOUTHARD addressed the Senate at length in opposition to the bill, and gave way to a motion to adjourn; which being withdrawn,

Mr. HENDRICKS moved two amendments to the bill, which were understood further to prescribe and regulate the action of Michigan and its convention in regard to the preliminaries required for its admission into the Union.

The amendments were ordered to be printed; and then, on motion of Mr. NAUDAIN,

The Senate adjourned.

FRIDAY, APRIL 1.

ADMISSION OF MICHIGAN.

The Senate proceeded to consider the bill to establish the northern boundary line of Ohio, and to provide for the admission of the State of Michigan.

The question being on the motion of Mr. WRIGHT to admit the State as soon as the assent of delegates, appointed by the people of Michigan for that purpose, to a line should be obtained,

Mr. SOUTHARD resumed the observations he had commenced on the preceding day, and spoke at much length.

Mr. HENDRICKS then explained the amendments which he had laid on the table yesterday, and which he proposed to offer at a proper time.

These amendments are as follows:

In section 2, line 8, strike out "provided, always, and this admission is on the express condition," and insert "so soon as the free male white citizens of the United States shall, by their delegates in convention hereafter to be elected, so modify and amend their constitution." Section 3, strike out the first fourteen lines, and insert: "And be it further enacted, That the foregoing condition being in good faith complied with, and being reported by the convention to the Congress of the United States, thereupon, and without any further proceeding." At the end of the third section insert: "And immediately after the said constitution shall be modified according to the provisions of this act, the said State of Michigan may and shall proceed to appoint, in such manner as the Legislature thereof may direct, the number of electors of President and Vice President of the United States to which the said State is entitled."

Mr. WRIGHT spoke in favor of the bill and of his amendment.

Messrs. **CLAYTON, EWING,** and **CLAY,** addressed the Senate, principally in opposition to that part of the constitution of Michigan in relation to the right of suffrage.

Mr. **BENTON** rose to vindicate the bill, and the conduct of the people of Michigan, from the objections which were taken to them. The Senator from Ohio who has just resumed his seat [Mr. Ewing] objects to the bill itself, and also to the conduct of the people of Michigan; and some others object to the extent of the boundaries which were proposed for the new State. He said that, Michigan being a frontier both to Canada and the Indians, it was right she should be a strong State, and rank with those of the first magnitude. With this view, her boundaries were extended far enough on the Lake Superior and Green Bay to include about sixteen or eighteen thousand square miles, which, added to the thirty-six thousand in the peninsula, would make about fifty-four thousand square miles; an extent which, while it placed her among the great States, would still leave her behind several, which had a content of about sixty thousand square miles. In point of territory, then, the new State would be large, but not the largest, and therefore subject to no objection on that account. In point of capacity to sustain a population, he was sorry to have to add that the additional sixteen or eighteen thousand square miles would be of small importance, the general character of the country added being that of extreme sterility, and chiefly desirable for its mineral resources, of which copper was a principal indication.

The amendment offered by the Senator from Ohio [Mr. Ewing] Mr. B. supposed to be in substance a bill intended as a substitute for the bill reported by the select committee, and in the usual form of bills authorizing the inhabitants of Territories to hold elections, meet in convention, frame a constitution, and send it to Congress for approval.

[Mr. Ewing assented, and said that such was the character of the amendment which he offered; that it was mainly copied from the act admitting the people of Ohio to form a constitution; and that it differed from the bill of the committee in some of the boundaries, as it stopped at the mouth of the Huron instead of going to the Montreal river.]

Mr. B. resumed, and said that the object of the amendment offered by the Senator from Ohio [Mr. Ewing] was to turn the people of Michigan back, to consider as nothing all that they had done, and to require them to begin anew, under the sanction of an act of Congress, with holding elections, meeting in convention, framing a constitution, and sending it on to Congress. This, he said, was the object, and what related to the boundary was subordinate and incidental, which might be considered under the committee's bill as well as under the proposed amendment. The great object was to turn the people of Michigan back, and make them commence in a regular manner, as it was called, in contradistinction to the irregular, disorderly, and revolutionary manner of conducting themselves, which had been imputed to them.

Mr. B. denied that the conduct of the people of Michigan merited these epithets; but, admitting that they acted without a previous law of Congress, he desired to know whose fault it was; and would assume to say that no person could answer that question better than the Senator from Ohio. He desired to see where the fault lay; whether in the people of Michigan or in Congress; whether in their disorderly and revolutionary movements to break into the Union, or in the refusal of Congress to grant them the preliminary law which had been extended to other Territories, and to which Michigan was better entitled than any other one had ever been. These were the questions, and, happily, the journals of the Senate, as well as his own memory, would enable him to answer them. He would state, then, that Michigan having, as the Senate well knew, an absolute and perfect right under the ordinance to enter the Union when her population amounted to sixty thousand souls, and having attained that number four years ago, she applied to Congress for an act to regulate her admission by the customary formalities, and that this application had been rejected or neglected for successive years. Without detaining the Senate with going over a tedious history of these applications and rejections, he (Mr. B.) would refer to the Senate journal of 1834, two years ago, and show in what manner the people of Michigan were then treated.

Mr. B. then read from the Senate journal of May 9, 1834, as follows:

"The Senate resumed, as in Committee of the Whole, the bill to enable the people of the eastern division of Michigan to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes, together with the amendment reported thereto by the select committee; and, on motion by Mr. Ewing that they be laid on the table, it was determined in the negative: Yeas 14, nays 20, &c. On motion by Mr. Clayton,

"*Ordered*, That said bill and amendment be laid on the table."

When he had read these entries from the journal, Mr. B. said that three points were made out by them: first, that the people of Michigan had applied to Congress for the customary bill, to enable them to form a State Government; secondly, that the Senator from Ohio himself had moved to lay that bill upon the table; and, thirdly, that it was actually laid upon the table; and he would afterwards show that that order was fatal to the bill.

The next entry he would read from the journal was from its proceedings on the 12th day of the same month, and was in these words:

"The Senate resumed, as in Committee of the Whole, the bill to authorize the people of the Territory of Arkansas to form a constitution and State Government, and for the admission of such State into the Union upon an equal footing with the original States in all respects whatsoever; and on motion of Mr. Ewing that it be laid on the table: Yeas 22, nays 20."

Here, Mr. B. said, it was right to stop and remark that Michigan and Arkansas were now together in the Senate; that bills for the admission of each of them had been reported; that both had been made the order for the same day; that the Arkansas bill would come on when the Michigan bill was finished, and that the fate of one, it was generally conceded, would be the fate of the other. What he now wished to remark was, that the people of these two Territories had applied at the same time, years ago; that bills to enable them to form State Governments were reported together in the Senate; that the same amendments were offered to both; the same motions to lay on the table were made in the case of both; and that the fate of one was the fate of the other; for neither of the bills ever rose again from that fatal table. He said it could not escape observation that the Senator from Ohio [Mr. Ewing] had made motions in each case to lay these bills upon the table, and thereby prevented the people of the two Territories from obtaining the customary law to regulate the formalities of their admission: so that he had prevented them from doing, two years ago, the very thing which he was proposing to turn them back for and make them do now. There was a maxim of law, Mr. B. said, which was also a maxim of reason and justice, and which prohibited any man from taking advantage of his own wrong; and certainly this maxim should stop that gentleman at present, and prevent him from opposing the admission of these States, and treating as irregular, disorderly, and insurrectionary, the holding a convention without a previous law of Congress, when he himself was the actual mover of motions in both cases to lay the bills on the table, which were then depending, to grant them these previous laws.

But by what fatality (continued Mr. B.) has that Senator mentioned the word "party," and insinuated that there is a design to get in these two States irregularly and prematurely for party purposes? [Mr. EWING disclaimed the insinuation.] Mr. B. continued. The admission of new States had always been opposed by party, and by the same party. Kentucky forty years ago, and Tennessee thirty years ago, and others since, had been opposed because they were democratic, and would add to the strength of democracy in the Congress, and he presumed that every question, the collateral as well as the main one, even to a question of adjournment, would be decided by party votes in the admission of Michigan and Arkansas. What party was in power (demanded Mr. B.) in the Senate in 1834, when the initiatory bills for the admission of those two States were so compendiously disposed of by the motions to lay on the table—motions which foreclose debate, preclude discussion, and condemn without the assignment of reasons? What party was in power then? Was it not the opposition party—the party which, by whatsoever name it may be called, is still the party antagonistical to the democracy? And was not the fate of these bills decided by a clear party vote? He would read the yeas on the Arkansas bill on the 12th of May, for after that the Michigan bill was considered decided, and was not called for again—the fate of one being considered the fate of the other, and the vote on Arkansas being taken as the fixed determination of the Senate.

Mr. B. read the yeas. They were, Messrs. Bell, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, *King of Georgia*, Knight, Moore, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Sprague, Swift, Tomlinson, Waggaman, Webster—22.

A clear party vote, continued Mr. B., with the single exception of the Senator from Georgia, [Mr. KING;] and it was incomprehensible how the vote could run in such a regular line, upon a motion to lay on the table, unless it was felt to be a party measure, and as such to be put down by party power.

Now, said Mr. B., what was the precise measure thus laid on the table? It was the bill and the amendment. The bill has been stated, but the amendment has not; and this point will now be attended to, for it is a great aggravation of the wrong done these Territories. The bill was to authorize a convention to be held; the amendment was to authorize a census of the inhabitants to be taken, and to be returned to the next session of Congress. Both were laid upon the table; so that not only was the law to authorize a convention refused, but even a law to count the people, to see whether there was population enough to authorize the formation of State Governments! Even the census was refused! so that there seemed to be a determination by the party then in power in the Senate to do nothing, not even the most remote and preliminary act, in favor of these Territories. And how now can they be called disorderly, irregular, and revolutionary? So far from it that their conduct was regular and natural. They have a right to admission; they have been denied the customary formalities; they then act in virtue of their own rights; they form constitutions, and send them here for our examination. So far from being reprehensible, their conduct was commendable. It showed a laudable desire to enter the Union. It was not to get out, but to get into the Union, that they were struggling; and he (Mr. B.) deemed so highly of the benefits and advantages of this Union, that he could excuse the new States for endeavoring even to break into it, while he could never excuse an old one for endeavoring to break out of it.

Mr. B. then entered into an ample vindication of the rights of the people of Michigan and Arkansas to meet in convention, without a preliminary law from Congress, adopt constitutions, and send them here for examination. Conventions were original acts of the people. They depended upon inherent and inalienable rights. The people of any State may at any time meet in convention, without a law of their Legislature, and without any provision, or against any provision, in their constitution, and may alter or abolish the whole frame of Government as they pleased. The sovereign power to govern themselves was in the majority, and they could not be divested of it. The people of these Territories had rights founded on the ordinance of '87 in one case, and on the treaty with France of 1803 in the other. They have acted upon these rights, and it was unjustifiable either to stigmatize them as disorderly now, or to turn them back to the point they were at two years ago, and at which point nothing would then be done for them by those who wished now to turn them back. The cases of both Territories were clear and strong, that of Michigan being perhaps the clearest, as having a precise stipulation and a right to admission at 60,000, while she now had nearly three times that number; the right of Arkansas being on a treaty, and her numbers being indisputably sufficient, and larger than the population of several of the new States was at the time of their admission.

Mr. B. said that he had been led by the identity of the subjects to speak of Michigan and Arkansas together. Their two cases were similar, and so would be their fates. Other gentlemen had felt the necessity of defending both at the same time; and he made his thanks to the Senator from Pennsylvania, [Mr. BUCHANAN,] who had the Arkansas bill in charge, for the distinguished ability with which he had come into the contest on the Michigan bill, and aided those who were more particularly charged with it. He repeated, it was an innocent movement for Territories to make a constitution, and send it to Congress for examination; and if it was republican, and the Territory qualified by population, the right to admission was clear and perfect. He said that Congress could not reject a constitution except in the single case of which it was the guarantee—that of its republican character. It could not reject for ordinary provisions, for qualifications of voters, and such minutia. These were points of State regulation exclusively, and the absurdity of making them conditions of admission was proved by the facility of altering all such provisions after the State was admitted, and when they would never be submitted to Congress. The right of Congress to reject for matter found in the constitution was limited to the feature of republicanism. Of that Congress was the guarantee. Whether the constitution was submitted to her or not—whether it was an old State or a new one—Congress was bound to guaranty the republican character of the State constitution; and for that purpose had cognizance over all the State constitutions, and for nothing else. Any thing further was an invasion of the rights of the States; and he (Mr. B.) was too truly and sincerely a friend to the rights of the States to suffer Congress to meddle with the qualifications of voters in any State, old or new. This brought him to the objection that the voting privilege was extended to the inhabitants of the Territory at the time of the adoption of the constitution, and not confined to those who were citizens of the United States. He left this question where it had been placed by others, as an affair that belonged to the State, and which every State had decided for herself, and many of them so as to give aliens the right of voting, and even of holding office. He referred to Illinois, Louisiana, and even Ohio; and asked, was it not a matter of history that, within a few years past, the Legislature of Ohio, had decided that the word inhabitant meant citizen? And they defined it so, because a gentleman who was a subject of the King of Great Britain was presiding over their deliberations, and might act as their Lieutenant Governor. In conclusion, Mr. B. said he thought he had completely answered the material objections of the gentleman from Ohio. The first, that Congress had not passed a law authorizing the people of Michigan to form a constitution, was met by the proof that they had made repeated applications, which were rejected by the vote of that body; and with respect to the other, he held that the people of that Territory might meet as often as they pleased; might take up the map, and, drawing a diagram representing any boundaries they pleased, adopt these boundaries in their constitution, and send the whole to Congress; and all this would be an innocent operation. It would be innocent, because Congress might act on it or not act on it, as it thought proper; they might agree to the constitution or not agree to it—and the whole would be innocent, for it would be nothing more than a proposition for the acceptance of Congress. He held that the proceedings of the people of Michigan had been not out of want of respect to Congress, but from a proper respect for themselves. After their applications for admission had been repeatedly rejected, they, in the exercise of their inherent rights, formed their constitution and sent it here for acceptance. He hoped the amendment sending this constitution back, and delaying the admission of this State for at least two years longer, would not prevail.

Mr. BUCHANAN rose and addressed the Chair as follows:

Mr. President: Nothing was more remote from my intention, when I closed my remarks on Wednesday last, than again to address you on the subject of the admission of Michigan into the Union; but my argument upon that occasion has been so strongly assailed by the Senator from New Jersey, [Mr. SOUTHARD,] and other gentlemen, that I feel myself almost constrained to reply. Even under this strong necessity, I would not now trespass upon your time, if I believed I should thus provoke a protracted debate, and thereby prevent the decision of the question before we adjourn this afternoon.

I shall undertake to demonstrate, notwithstanding all which has been said, that, under the ordinance of 1787, aliens who were residents of the Northwestern Territory had a clear right to exercise the elective franchise.

The territory ceded by Virginia to the United States was sufficiently extensive for an immense empire. The parties to this compact of cession contemplated that it would form five sovereign States of this Union. At that early period we had just emerged from our revolutionary struggle, and none of the jealousy was then felt against foreigners, and particularly against Irish foreigners, which now appears to haunt some gentlemen. There had then been no attempts made to get up a native American party in this country. The blood of the gallant Irish had flowed freely upon every battle field, in defence of the liberties which we now enjoy. Besides, the Senate will well recollect that the ordinance was passed before the adoption of our present constitution, and whilst the power of naturalization remained with the several States. In some, and, perhaps, in all of them, it required so short a residence, and so little trouble, to be changed from an alien to a citizen, that the process could be performed without the least difficulty. I repeat that no jealousy whatever then existed against foreigners.

What, at that early period, was the condition of the vast territory, part of which has been formed into the State of Michigan? It was a wilderness and a frontier. The wise men of the old Congress who framed this ordinance desired to promote its population, and to render it a barrier against foreign invasion. They were willing that all persons, whether citizens of any of the States or foreigners, who should establish a fixed residence in the Territory, and become the owners of a freehold, might not only enjoy the privilege of voting, but that of holding offices. In regard to the construction of the ordinance itself, I shall not follow in detail the argument of the Senator from New Jersey. Indeed, I do not consider it a question for construction. The language is so plain that he who runs may read. No ingenuity can cast the slightest shade of doubt over it.

The ordinance declares that "so soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect Representatives from their counties or townships, to represent them in the General Assembly; provided that, for every five hundred free male inhabitants, there shall be one Representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of Representatives shall amount to twenty-five; after which the number and proportion of Representatives shall be regulated by the Legislature; provided, that no person be eligible or qualified to act as a Representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case shall likewise hold, in his own right, in fee simple, two hundred acres of land within the same; provided, also, that a freehold of fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative."

Now, sir, I have said that this language is too plain for construction. When had the people of this Territory the right to elect Representatives? Was it when there were five thousand free male citizens within its borders? By no means; but as soon as there were that number of free male inhabitants, whether citizens or not. Who were entitled to vote at these elections? They; referring directly and immediately to the five thousand free male inhabitants of full age.

The subsequent portion of the clause which I have just read makes this question, if possible, still plainer. It divides those capable of being elected Representatives, as well as the electors, into two distinct classes, conferring advantages, in both cases, upon those inhabitants who had been citizens of one of the States for a period of three years. If a candidate for the House of Representatives had been "a citizen of one of the United States three years," he was eligible, although he might not have been a resident of the Territory for more than a single day. Nothing more, in this case, is required than that he should be a resident. No period of residence was necessary. If the candidate, on the other hand, belonged to the second class—if he had been a naturalized citizen of one of the States for less than three years, or if he still continued to be an alien, in order to render him eligible as a Representative, he must "have resided in the district three years." In short, if he had been a citizen for three years, it was no matter how brief his residence might have been; but if "a free male inhabitant" of any other description, a residence of three years was indispensable. A similer distinction prevails in regard to the electors. "A citizen of any of the States, if a resident of the district but for a single day," had a right to exercise the elective franchise. If, on the other hand, he were not a citizen, "two years' residence in the district" was required.

The property qualification was the same both for citizens and for other residents.

[Mr. BUCHANAN here read other portions of the ordinance, to prove that its framers were careful in their use of terms, and always distinguished, with great precision, between the use of the words "free male inhabitants," and "citizens of one of the United States," &c. He also referred, as a further proof of his position, to the language of that portion of the ordinance which provides for the election of the Legislative Council.]

Now, sir, said Mr. B., have I not clearly established the position, that, under this ordinance, aliens were entitled to elect and to be elected, provided they had resided a sufficient time in the Territory, and were possessed of the necessary freehold qualification? If I can comprehend the meaning of the plainest English words, neither doubt nor difficulty can longer rest upon this question.

But it has been urged that, in order to become a freeholder, a person must first have been a citizen of one of the States. In reply, I might content myself by saying that this is begging the question. It is assuming the very proposition to be proved. But I shall give this objection two answers. In the first place, although I have become somewhat rusty in my legal knowledge, yet I feel perfectly safe in asserting that, under the strict principles of the common law of England, an alien may purchase real estate, may hold real estate, may transmit real estate to his heirs, or devise it by his will. His title is good against all mankind, except the Crown; and can only be divested by what, in technical language, is termed "an office found" in favor of the King. Admitting that the Government in this country possessed the same right, they have, in the most solemn terms, abandoned it, by holding out inducements, under the ordinance, to foreigners, to become the proprietors of real estate within the Northwestern Territory.

An answer still more conclusive may be given to this objection. The old Congress which framed the ordinance had the unquestionable power to enable aliens to purchase and hold real estate. It was their policy to promote the settlement of this Territory; and for this purpose they have plainly declared, by the ordinance, that aliens, or in other words, that any free male inhabitant, might hold real estate. Even at this day aliens, without any restriction, purchase lands from the United States. To lure them to make purchases, as we have done, and then to attempt to forfeit their estates, would be a violation of every principle of justice and public faith.

The Congress of the United States have repeatedly, in relation to Ohio, Indiana, and Illinois, placed the same construction on this ordinance which I have done. I shall not exhaust either myself, or the Senate, by referring to more than one or two of these instances. In April, 1802, when Congress passed the act authorizing the people of Ohio to form a constitution and State Government, it became necessary to prescribe the qualifications of the electors of delegates to the convention. They performed this duty in the fourth section of that act. It declares as follows: "that all male citizens of the United States who shall have arrived at full age, and resided within the said Territory at least one year previous to the day of election, and shall have paid a territorial or county tax, and all persons having, in other respects, the legal qualifications to vote for Representatives in the General Assembly of the Territory, be, and they are hereby, authorized to choose Representatives to form a convention."

Who were these persons having, in other respects, the legal qualifications to vote for territorial Representatives. Let the ordinance itself answer this question. They were free male persons, not citizens of the United States, who held a freehold in fifty acres of land within the Territory and had resided there for two years. Congress, actuated by the more liberal and enlightened spirit of the age, in the year 1802, dispensed with the freehold qualification in regard to citizens of the United States. They suffered it to remain, however, in relation to those persons within the Territory who were not citizens; but who possessed the legal qualifications, in other respects, to vote for territorial Representatives.

I shall merely refer to another instance in the case of Illinois. On the 20th May, 1812, Congress passed an act to extend the right of suffrage in that Territory. Under this act, no freehold was necessary, in any case, to the exercise of the elective franchise. The spirit of the age had corrected this error in politics. I am glad of it. Our own experience has taught us that the citizen, in humble circumstances, who pays his personal tax, feels as deep an interest in the welfare of the country, and would make as many sacrifices to promote its prosperity and glory, as the man who has an income of thousands from his real estate. Wealth never has been, and never can be, a true standard of patriotism. By the first section of this act, Congress declared that "each and every free white male person, who shall have attained the age of twenty-one years, and who shall have paid a county or territorial tax, and who shall have resided one year in said Territory previous to any general election, and be, at the time of any such election, a resident thereof, shall be entitled to vote for members of the Legislative Council and House of Representatives for the said Territory." You perecive, sir, that Congress, by this act, no longer retained the distinction which they had established in regard to Ohio between citizens of the United States, and persons, in other respects, entitled to vote for members of the territorial Legislature. They are all blended together into the same mass, and the elective franchise is conferred upon them all, under the denomination of free white male persons, who have paid taxes and resided one year in the Territory. The phrase "citizens of the United States" does not once occur in the act. In the second and third sections these free white male persons are denominated citizens of the Territory, not citizens of the United States. Under the ordinance of 1787, they were, in fact, constituted citizens of the Territory; and this phraseology is, therefore, perfectly correct.

The Senator from New Jersey [Mr. SOUTHARD] has undertaken the Herculean task of proving that neither the ordinance, nor the act of 1802, in relation to Ohio, nor the act to which I have just referred, nor the other similar acts, conferred upon any persons not citizens of the United States the right of voting. How far he has been successful, I shall leave for the Senate to judge.

Those portions of the ordinance to which I have heretofore referred were subject to the control of Congress. They have been modified and changed in several instances, some of which have been referred to and commented upon in this debate. But I now come to speak of one of those articles of the ordinance, essential to the correct decision of this question, which is placed beyond the power of Congress. To use its own emphatic language, they "shall be considered as articles of compact between the original States, and the people and States, in the said Territory, and for ever remain unalterable, unless by common consent." This solemn agreement has been confirmed by the constitution of the United States. No person either denies or doubts the sacred character and the binding force of this contract. The fifth of these articles of this ordinance declares as follows: "And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State Government; provided the constitution and Government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

Now, sir, under this provision, these sixty thousand free inhabitants had a right to frame a constitution whenever they pleased. They had a right to determine which of them should be electors of delegates to their own convention for that purpose, and which of them should not. It rested solely within their own discretion whether the elective franchise should be confined to the citizens of the United States, or be extended to other inhabitants of the Territory. It was the right and the duty of Congress first to determine the boundaries of the States to be formed within the limits of the Northwestern Territory. Had this duty been performed, the free inhabitants of Michigan, after they amounted to sixty thousand, would have become a distinct political community under the ordinance. They would have possessed the sovereign right to form a constitution; and if this constitution were republican, and in conformity to the ordinance, they might have demanded admission, by their delegates, into the Congress of the United States. They could not have been refused without a direct violation of the solemnly pledged faith of the nation. If Congress had objected that persons, not citizens of the United States, had been permitted to vote at the election for delegates, they might have triumphantly presented this ordinance, and declared that the question was settled by its terms and its spirit; that the time had arrived when they were entitled to shake off their territorial dependence, and assume an equal rank with the other States of the Union. Throughout the ordinance there is a marked distinction between "free inhabitants" and "citizens of one of the United States."

It is true that Congress have never yet determined the boundaries of the State of Michigan; but their omission to do so could not affect, in any degree, the right of the free male inhabitants to vote for delegates to the convention which framed their constitution. As soon as Michigan shall have been admitted into the Union, the boundaries of Wisconsin will then be irrevocably determined. It will be the last of the five States into which the Northwestern Territory can be divided under the terms of the ordinance. When that Territory shall contain sixty thousand free inhabitants, they will have an absolute right to demand admission, as a State, into the Union, and we cannot refuse to admit them without violating the public faith. Still, I should not advise them to frame a constitution without a previous act of Congress.

The precedent in the case of Tennessee, on which I commented when I addressed the Senate on Wednesday last, has completely silenced all opposition in regard to the necessity of a previous act of Congress to enable the people of Michigan to form a State constitution. It now seems to be conceded, that our subsequent approbation is equivalent to our previous action. This can no longer be doubted. We have the unquestionable power of waiving any irregularities in the mode of framing the constitution, had any such existed. It is wiser, I admit, for Congress, in the first instance, to pass such an act; but, after they had refused to do so, from year to year, the people of Michigan had no other alternative but either to take the matter into their own hands, or abandon the hope of admission into the Union within any reasonable time.

But I am not done with this Tennessee precedent.

It will be recollected that when North Carolina ceded to the United States the Territory which now composes the State of Tennessee, it was specially stipulated that the inhabitants within the same should "enjoy all the privileges, benefits, and advantages," set forth in the ordinance for the government of the Northwestern Territory. This provision makes the case of Tennessee one precisely in point with the present. I would ask, then, who voted at the election for delegates to frame the constitution of Tennessee? Let the proclamation of Governor Blount, issued in obedience to an act of the territorial Legislature, answer this question. He declares "that all free males, (not free male citizens,) twenty-one years of age and upwards," shall be entitled to vote. Under this proclamation every free male inhabitant of the Territory had a right to vote, no matter how short a time his inhabitancy may have continued. In this respect it differs from the territorial law of Michigan, which requires a previous residence of three months.

With a full knowledge of these facts, General Washington, in his message to Congress of the 8th of April, 1796, on the subject of the admission of Tennessee into the Union, declares that "among the privileges, benefits, and advantages, thus secured to the inhabitants of the Territory south of the river Ohio, appear to be the right of forming a permanent constitution and State Government, and of admission as a State by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever, when it should have therein sixty thousand free inhabitants; provided the constitution and Government so to be formed should be republican, and in conformity to the principles contained in the articles of the said ordinance."

The State of Tennessee was accordingly admitted. At this early day, when the ordinance was better understood than it can be at present, no objection was made from any quarter, so far as I can learn, that delegates to the convention which formed the constitution of that State were voted for by inhabitants who were not citizens of the United States. Certain it is, that no such question was raised by General Washington. Even Mr. King, whose report was decidedly adverse to the admission of this State, never, in the most distant manner, adverts to this objection which has now been so strongly urged by Senators.

I stated when I last addressed the Senate, as a proposition clearly established, that, under the ordinance, the States formed out of the Northwestern Territory had a right to confer the elective franchise upon the inhabitants resident within them at the time of the adoption of their constitutions, whether they were citizens or not. I then also asserted that the States of Ohio and Illinois had not only exercised this power to the extent which Michigan had done, but had gone much further. They had not, like Michigan, confined the elective franchise to inhabitants actually resident within their respective States at the time of the adoption of their constitutions, but had made a general provision by which all such inhabitants, though not citizens, would be entitled to vote in all future time. These positions, which I thought impregnable, have been violently assailed; and it has been contended that, under the provisions of these constitutions, no persons, except citizens of the United States, are entitled to vote. This renders it necessary that I should again turn to these constitutions. The first section of the fourth article of the constitution of Ohio declares, that "in all elections, all white male in habitants, above the age of twenty-one years, having resided in the State one year next preceding the elections, and who have paid, or are charged with, a State or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election." The fifth section of the same article varies the expression, and confers the right of voting "on white male persons," who are compelled to labor on the roads. These "white male inhabitants," or "white male persons," are not required to be citizens of the United States. The terms are as general as they can be. They embrace all persons, whether citizens of the United States or not, who have resided within the State for one year, and are in other respects qualified. Besides, it would be easy to show, by adverting to other parts of this constitution, that the framers of it, in several cases, when they intended to confine its benefits to citizens of the United States, have so declared in express terms. We have heard it stated that, by a judicial decision, the right to vote has been restricted to citizens of the United States. This decision has not been produced. I should be very much pleased to see it. I am aware that judicial construction can work wonders; but if any court has decided that "all white male inhabitants," or "white male persons," are restricted in their meaning to white male citizens of the United States, it is a stretch of judicial construction which surpasses any thing of which I could have conceived.

The constitution of Illinois is still more general in its provisions. It declares that, "in all elections, all white male inhabitants, above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election." We have been informed by the Senators from Illinois, that the practice of that State has always conformed to the plain meaning of the constitution. At this day, any alien, who has resided within that State for six months, is in the full enjoyment of the elective franchise. Indeed, this privilege has induced aliens to settle in that State in preference to others where they cannot vote until after they have become citizens of the United States.

Now, sir, I wish to be fairly understood upon this question. As a general principle, I do not think that any State of this Union ought to permit any person to exercise the right of an elector who is not either a native or a naturalized citizen of the United States. There may have been, and I think there was, a propriety in conferring the elective franchise upon the inhabitants of the Territory, actually resident therein, although not citizens, who had a right under the ordinance to participate in the formation of the constitution. Beyond this, the power, even under the ordinance, is extremely doubtful. Michigan has wisely confined herself within these limits. She has not followed the example of Ohio and Illinois. These States have been admitted into the Union, notwithstanding the extravagant provisions in their constitutions in favor of foreigners. Would it not then be extremely ungracious to exclude Michigan, when no foreigner can ever hereafter enjoy the right of voting, except such as were resident within the limits of the State at the time of the formation of her constitution?

According to the census, it would appear that not more than from five to six hundred aliens could have been in that situation. At the present time it is probable that many of these have become naturalized citizens. The evil, if it be one, is very small. Within a short period it will entirely disappear. Would it be wise, would it be politic, would it be statesman-like, to annul all that has been done by the convention of Michigan, merely for this reason? Ought we, on this account, to defer the final settlement of the disputed boundary between Ohio and Michigan, and thus again give rise to anarchy and confusion, and perhaps to the shedding of blood? Do you feel confident that the people of Michigan, after you have violated their rights by refusing to admit them into the Union at this time, would ever act under your law authorizing them to form a new constitution? We must all desire to see this unfortunate boundary question settled; and the passage of this bill presents the best if not the only means of accomplishing a result so desirable.

Have the people of Michigan, or any portion of them, ever complained of this part of their constitution? I would ask, by what authority have the Senators from Ohio and New Jersey [Messrs. EWING and SOUTHARD] raised this objection, whilst the people themselves are content? Even if they did commit an error in this respect, we ought to treat them as children, and not as enemies. It is the part of greatness and magnanimity to pass over unimportant errors of judgment committed by those who are, in some degree, dependent upon us. It would, indeed, be a severe measure of justice for the Congress of the United States, after having admitted Ohio and Illinois into the Union, to close the door of admission against Michigan. This, in truth, would be straining at a gnat and swallowing a camel.

Suppose you deprive the people of Michigan of a territory to which they all believe, however erroneously, they have a right, and transfer it to Ohio, and then drive them from your door and refuse to admit them into the Union; can any Senator here view the probable consequences with composure? They are a high-spirited and manly people. You cannot blame them for that. They are bone of your bone, and flesh of your flesh. They have been taught, by your example, to resist what they believe to be oppression. Will they patiently submit to your decree? Will they tamely surrender up to Ohio that territory of which, they have been in possession for thirty years? Their past history proves conclusively that they will maintain what they believe to be their rights, to the death. You may have civil war as the direct consequence of your vote this day. Should the amendment of the Senator from Ohio [Mr. EWING] prevail, whilst it will leave unsettled the question of boundary, so important to his own State, it may, and probably will, produce scenes of bloodshed and civil war along the boundary line. I have expressed the opinion that Congress possess the power of annexing the territory in dispute to the State of Ohio, and that it is expedient to exercise it. The only mode of extorting a reluctant consent from the people of Michigan to this disposition, is to make it a condition of their admission, under their present constitution, into the Union. The bill proposes to do so, and, in my humble judgment, Ohio is deeply interested in its passage.

I shall now, following the example of my friend from New York, [Mr. WRIGHT,] proceed to make some suggestions upon another point. They are intended merely as suggestions, for I can say with truth I have formed no decided opinion upon the subject. A friend called to see me last evening, and attempted to maintain the proposition that the several States, under the constitution of the United States, and independent of the ordinance applicable to the Northwestern Territory, had the power of conferring the right to vote upon foreigners resident within their territories. This opinion was at war with all my former impressions. He requested me to do as he had done, and to read over the constitution of the United States carefully, with a view to this question. I have complied with his request, and shall now throw out a few suggestions upon this subject, merely to elicit the opinion of others.

The older I grow, the more I am inclined to be what is called "a State rights man." The peace and security of this Union depend upon giving to the constitution a literal and fair construction, such as would be placed upon it by a plain intelligent man, and not by ingenious constructions, to increase the powers of this Government, and thereby diminish those of the States. The rights of the States, reserved to them by that instrument, ought ever to be held sacred. If, then, the constitution leaves to them to decide according to their own discretion, unrestricted and unlimited, who shall be electors, it follows as a necessary consequence that they may, if they think proper, confer upon resident aliens the right of voting.

It has been supposed, and is perhaps generally believed, that this power has been abridged by that clause in the constitution which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States." Does, then, a State, by conferring upon a person, not a citizen of the United States, the privilege of voting, necessarily constitute him a citizen of such State? Is the elective franchise so essentially connected with citizenship that the one cannot exist without the other? This is the question. If it be so, no State can exercise this power; because no State, by bestowing upon an alien the privilege of voting, can make him a citizen of that State, and thereby confer upon him "the privileges and immunities of citizens of the several States." Citizens are either natives of the country, or they are naturalized. To Congress exclusively belongs the power of naturalization; and I freely admit that no foreigner can become a citizen of the United States but by complying with the provisions of the acts of Congress upon this subject. But still we are brought back to the question, may not a State bestow upon a resident alien the right to vote within its limits, as a personal privilege, without conferring upon him the other privileges of citizenship, or ever intending to render it obligatory upon the other States to receive him as a citizen? Might not Virginia refuse to a foreigner who had voted in Illinois, without having been naturalized, "the privileges and immunities" of one of her citizens, without any violation of the constitution of the United States? Would such an alien have any pretext for claiming, under the constitution of the United States, the right to vote within a State where citizens of the United States alone are voters?

It is certain that the constitution of the United States, in the broadest terms, leaves to the States the qualifications of their own electors, or, rather, it does not restrict them in any manner upon this question. The second section of the first article provides "that the House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." By the first section of the second article, "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress." Both these provisions seem to recognise in the States the most absolute discretion in deciding who shall be qualified electors. There is no declaration or intimation, throughout the whole instrument, that these electors shall be citizens of the United States. Are the States not left to exercise this discretion in the same sovereign manner they did before they became parties to the federal constitution? There is at least strong plausibility in the argument, especially when we consider that the framers of the constitution, in order more effectually to guard the reserved rights of the States, inserted a provision "that the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Without any stretch of imagination, we might conceive a case in which this question would shake our Union to the very centre. Suppose that the decision of the next presidential election should depend upon the vote of Illinois; and it could be made to appear that the aliens who voted under the constitution of that State had turned the scale in favor of the successful candidate. What would then be the consequence? Have we a right to rejudge her justice? to interfere with her sovereign rights? to declare that her Legislature could not appoint electors of President and Vice President in such manner as they thought proper, and to annul the election?

It is curious to remark that, except in a few instances, the constitution of the United States has not prescribed that the officers elected or appointed under its authority shall be citizens; and we all know, in practice, that the Senate have been constantly in the habit of confirming the nominations of foreigners as consuls of the United States. They have repeatedly done so, I believe, in regard to other officers.

I repeat that, on this question, I have formed no fixed opinion, one way or the other. On the other points of the case, I entertain the clearest conviction that Michigan is entitled to admission into the Union.

I have thus completed all I intend to say upon this subject. I have been most reluctantly drawn a second time into this debate. I had the admission of Arkansas specially intrusted to my care. Few, if any, of the objections urged against Michigan are applicable to Arkansas; but I could not conceal from myself the fact that the admission of the one depended upon that of the other; and I am equally anxious to receive both the sisters.

After some further remarks from Mr. CLAY, and a reply from Mr. BUCHANAN,

Mr. EWING moved that the Senate adjourn; which motion was decided by yeas and nays, as follows:

Yeas—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—21.

Nays—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Nicholas, Ruggles, Robinson, Rives, Shepley, Tallmadge, Tipton, Walker, White, Wright—24.

So the motion to adjourn did not prevail.

The debate was then renewed by Mr. CLAY, Mr. BUCHANAN, and Mr. WALKER.

Mr. CLAYTON then moved an adjournment; and the question, being taken by yeas and nays, was decided as follows:

Yeas—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—21.

Nays—Messrs. Benton, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Georgia, King of Alabama, Linn, Morris, Niles, Nicholas, Ruggles, Robinson, Rives, Shepley, Tallmadge, Tipton, Walker, White, Wright—23.

So the motion did not prevail.

Mr. CLAY moved to amend the amendment of Mr. Wright, by striking out the words "for the sole purpose of giving," and inserting "to revise the constitution and give."

Mr. CLAYTON, Mr. DAVIS, Mr. WRIGHT, and Mr. PORTER, renewed the debate; after which, the question was taken on the amendment of Mr. Clay, and decided as follows:

Yeas—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—25.

Mr. PORTER moved that the Senate do now adjourn.

The question being taken, it was decided in the negative, as follows:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—23.

The question was then taken on the amendment moved by Mr. WRIGHT, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, White, Wright—32.

NAYS—None.

Mr. HENDRICKS then withdrew his first amendment.

The question being on the motion of Mr. HENDRICKS to strike out the first fourteen lines of the bill,

After some remarks from Mr WRIGHT,

Mr. CRITTENDEN moved that the Senate now adjourn: Yeas 19, nays 24; (7 o'clock.)

The motion of Mr. HENDRICKS was then negatived, as follows:

YEAS—Messrs. Clay, Crittenden, Ewing of Ohio, Hendricks, Kent, Leigh, Moore, Porter, Southard—9.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Naudain, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, White, Wright—28.

Mr. HENDRICKS withdrew his remaining amendment.

Mr. SOUTHARD moved to amend the bill in the part which provides that the Senators and Representatives already elected shall take their seats without delay. He denied that the Senate had any right by law to determine that point, without either the Senate or House having looked into the qualifications of the persons so elected. He moved to strike out that clause, and called for the yeas and nays.

Mr. BENTON opposed the motion.

Mr. CLAY said it was not necessary to declare what the constitution already declared, that the State would have a right to send Senators and Representatives as soon as admitted.

The question was then taken on Mr. SOUTHARD's motion to amend, and decided as follows:

YEAS—Messrs. Black, Clay, Crittenden, Davis, Ewing of Ohio, Leigh, Naudain, Porter, Southard, Swift, Tomlinson, White—12.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—22.

Mr. CLAY moved to amend the bill by inserting after the word "confirm," in the fourth line of the second section, the following words: "except that provision of the bill which admits aliens to the right of suffrage."

After a few words from Mr. BENTON, in opposition,

The question was taken, and decided, by yeas and nays, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Leigh, Naudain, Porter, Southard, Swift, Tomlinson, White—14.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—22.

Mr. CALHOUN (half past seven) said he would make one more effort to obtain time to look into the amendments, many of which were new, and required to be examined. He moved that the Senate now adjourn; which was negatived: Yeas 12, nays 24.

The question was then taken on the amendment moved by Mr. EWING, of Ohio, and decided as follows:

YEAS—Messrs. Black, Davis, Ewing of Ohio, Leigh, Southard, Swift, Tomlinson—7.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—24.

The bill was then reported as amended; and the amendments being concurred in,

The bill was then ordered to be engrossed and read a third time, by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—23.

NAYS—Messrs. Black, Davis, Ewing of Ohio, Leigh, Southard, Swift, Tomlinson, White—8.

Mr. BENTON moved to reconsider the motion by which the Senate had determined to adjourn over until Monday.

Mr. BENTON, having been counted among the nays, could not make the motion, and it was renewed by Mr. TALLMADGE.

The question being taken on reconsideration, there appeared: Yeas 19, nays 3.

The yeas and nays being called, the question was again taken, when there appeared: Yeas 20, nays 5.

The motion to adjourn until Monday was then put, and decided in the negative.

Mr. WHITE (at a quarter before eight) moved that the Senate proceed to the consideration of executive business.

The motion was agreed to.

The Senate proceeded to the consideration of executive business; and, after some time,

Adjourned.

SATURDAY, APRIL 2.

POST OFFICE ACCOUNTS.

A communication was received from the Post Office Department, in reply to a resolution (offered by Mr. SOUTHARD) making an inquiry as to the cause of a mistake which was discovered in the accounts of the treasurer of the Department.

The following is a copy of the communication:

POST OFFICE DEPARTMENT,
April 1, 1836.

SIR: In obedience to the resolution of the Senate adopted on the 29th ult., and communicated to me on the 30th, requiring me "to report to the Senate whether the cause of the discrepancy of forty thousand four hundred and seventy dollars and ninety-one cents, stated in the report of the accountants to the committee of the Senate, dated 3d March, 1835, as then existing in the accounts of the treasurer of the General Post Office, has been discovered, and the said accounts finally adjusted; and, if so, further to report the cause of said discrepancy, and who was the occasion thereof, and whether the balance, if any, has been paid," I have the honor to submit the following statement, viz:

The "account of the treasurer of the General Post Office," alluded to in the resolution, is presumed to be the general cash account of the Department, as no account with the treasurer, as such, was ever kept.

The cash account of the Department, before the first day of July last, is known to be deranged in a high degree. It is believed that many months of labor would be required to ascertain the causes and extent of that derangement. So entirely has the force of the Department, employed on accounts, since the 1st of May last, been occupied in the current business, and in examining and adjusting individual accounts of long standing, that no attempt has been made to solve the difficulties in the cash account, and no additional light has been cast upon it, except incidentally in a few of its items.

"The report of the accountants to the committee of the Senate, dated 3d March, 1835," does not appear to have been officially communicated to the Department, forms no part of its books or papers, and has not been thought of as a basis of official action, however useful it may be as information.

I have the honor to be, very respectfully, &c.

AMOS KENDALL.

Hon. Martin Van Buren,

President of the Senate.

Mr. **GRUNDY** said that it was very desirable for the Department to be put in possession of the statements which had been made out by the two accountants employed by the committtee during the investigation of the situation of the Department under the preceding administration. If these accounts could be furnished to the Department, there would be much time saved in arriving at the cause of the error, and the Department was very anxious to have possession of these materials. He wished the gentleman from New Jersey to make some disposition of the communication.

Mr. **SOUTHARD** said he did not clearly see what particular disposition he could make of this document. If the Senator from Tennessee would propose any course, he would make no objection to it. There appeared to be an important error, and the treasurer of the Department had not been able to make his account with the office clear, within $40,000. It had been supposed that the present head of the Department, who had been so much lauded for his economy and management and general efficiency, would have lost no time in instituting a rigid investigation of the accounts of the treasurer. It appeared, however, that he had been so busily occupied in settling the old accounts, which were left in a state of confusion almost inexplicable, that he could not find time for this examination. It would seem to be reasonable that the treasurer himself, under the eye of this vigilant head, would himself have labored to dispel the mystery which involved the affair. I (said Mr. S.) am possibly wrong in my views of this subject, as I have generally been in all my conjectures respecting the management of the Post Office, but I am certainly right in my convictions that there has been a lamentable want of regularity and system, since we have now the declaration of the Postmaster General himself to this effect. He declares that it has occupied all his time to extricate the affairs of the Department from the disorder into which they have been plunged. I hope, then, that I shall hear no more of the denunciations which have been so liberally poured forth against those who have said that the Department had been in a state of utter confusion and disorder. He concluded with saying that, at present, he would only move for the printing of the document.

Mr. **GRUNDY** said he did not wish to go into any discussion of the ancient affairs of the Department. That there existed a great discrepancy in the accounts, he presumed no one would pretend to dispute. He concurred with the Senator from New Jersey in the opinion that the causes of this discrepancy ought to be ascertained. Perhaps the best course would be to refer the communication to the Committee on the Post Office and Post Roads; and as that committee would meet on Monday, some course might then be determined on, which it would be best to pursue.

He moved to refer the communication to that committee, and to print it; and the motion was agreed to.

ADMISSION OF MICHIGAN.

The bill to establish the northern boundary of Ohio, and to provide for the admission of the State of Michigan into the United States, was read a third time.

On the question of its passage,

Mr. **PORTER** stated some objections which he had to the bill, and moved to recommit it.

On this question a debate ensued, in which Mr. **CALHOUN**, Mr. **PORTER**, Mr. **WALKER**, Mr. **WRIGHT**, Mr. **BENTON**, Mr. **CRITTENDEN**, Mr. **PRESTON**, Mr. **CLAY**, Mr. **MANGUM**, Mr. **BLACK**, Mr. **WHITE**, Mr. **CLAYTON**, Mr. **WRIGHT**, Mr. **CALHOUN**, and Mr. **SOUTHARD**, severally addressed the Senate.

After the latter gentleman had concluded his remarks, Mr. **CALHOUN** moved that the bill be recommited; and the question, being taken by yeas and nays, was decided as follows:

Yeas—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, White—19.

Nays—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—24.

So the motion did not prevail.

Mr. **PRESTON** then moved to lay the bill on the table until Monday; and the question, being taken by yeas and nays, was decided as follows:

Yeas—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, White—20.

Nays—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wright—24.

So the motion did not prevail.

On motion of Mr. **PRESTON** that the Senate adjourn, it was decided in the negative: Yeas 20, nays 23.

The question was then taken on the passage of the bill, and decided in the affirmative.

The bill was then passed in the following form:

A BILL to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled, That the northern boundary line of the State of Ohio shall be established at, and shall be a direct line drawn from, the southern extremity of Lake Michigan, to the most northerly cape of the Maumee (Miami) Bay, after that line, so drawn, shall intersect the eastern boundary line of the State of Indiana; and from the said north cape of the said bay, northeast, to the boundary line between the United States and the province of Upper Canada, in Lake Erie; and thence, with the said last-mentioned line, to its intersection with the western line of the State of Pennsylvania.

SEC. 2. *And be it further enacted,* That the constitution and the State Government which the people of Michigan have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed; and that the said State of Michigan shall be, and is hereby, declared to be one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States, in all respects whatever: Provided always, and this admission is upon the express condition, that the said State shall consist of, and have jurisdiction over, all territory included within the following boundaries, and over none other, to wit: Beginning at the point where the above-described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of this act, until it intersects the boundary line between the United States and Canada, in Lake Erie; thence, with the said boundary line between the United States and Canada, through the Detroit river, Lake Huron, and Lake Superior, to a point where the said line last touches Lake Superior; thence, in a direct line through Lake Superior, to the mouth of the Montreal river; thence, through the middle of the main channel of the said river Montreal, to the middle of the Lake of the Desert; thence, in a direct line, to the nearest head water of the Menomonie river; thence, through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menomonie river; thence, down the centre of the main channel of the same, to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence, through the centre of the most usual ship channel of the said bay, to the middle of Lake Michigan; thence, through the middle of Lake Michigan, to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence, due east, with the northern boundary line of the said State of Indiana, to the northeast corner thereof; and thence, south, with the east boundary line of Indiana, to the place of beginning.

SEC. 3. *And be it further enacted,* That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of the said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered as complete, and the Senators and Representatives who have been elected by the said State as its representatives in the Congress of the United States shall be entitled to take their seats in the Senate and House of Representatives, respectively, without further delay.

SEC. 4. *And be it further enacted,* That nothing in this act contained, or in the admission of the said State into the Union as one of the United States of America upon an equal footing with the original States in all respects whatever, shall be so construed or understood as to confer upon the people, Legislature, or other authorities of the said State of Michigan, any authority or right to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands within the limits of the said State; but that the subject of the public lands, and the interests which may be given to the said State therein, shall be regulated by the future action between Congress, on the part of the United States, and the said State, or the authorities thereof. And the said State of Michigan shall in no case, and under no pretence whatsoever, impose any tax, assessment, or imposition of any description, upon any of the lands of the United States within its limits.

ADMISSION OF ARKANSAS.

On motion of Mr. BUCHANAN,

The Senate proceeded to the consideration of the bill for the admission of Arkansas into the Union; and the bill having been read,

Mr. NAUDAIN moved that the Senate adjourn; and this motion was negatived by the following vote:

YEAS—Messrs. Crittenden, Davis, Ewing of Ohio, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson--11.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—27.

On motion of Mr. WHITE, the bill was so amended as to provide more effectually against any difficulties as to the boundary with the western Cherokees.

After some brief remarks from Messrs. CALHOUN, SOUTHARD, KING of Alabama, CLAY, BENTON, WALKER, PRESTON, and EWING of Ohio,

Mr. EWING, in the course of his remarks, said he could not and would not give his vote on a bill which he had not an opportunity of making himself acquainted with; and as the bill could not pass that evening but by unanimous consent, he, for one, would object to its passage.

Mr. KING, of Alabama, moved that the Senate adjourn.

He, as a southern man, felt no apprehension as to the bill passing, without difficulty, on Monday, and being sent to the other House, so as to pass that body with the Michigan bill. There was no necessity for hurrying it that evening, particularly as the other House could not act on both bills at once, and as there were no such objections to this bill as had been made to the one for Michigan. He had such a perfect confidence in the disposition of the Senate to pass this bill, that he was willing to delay it another day, to give to those members who wished an opportunity of examining into its details, being fully persuaded that they would find nothing in it to object to.

Mr. KING's motion was lost: Yeas 16, nays 18, as follows:

YEAS—Messrs. Brown, Cuthbert, Davis, Ewing of Ohio, Hendricks, King of Alabama, King of Georgia, Leigh, Mangum, Naudain, Porter, Preston, Shepley, Southard, Swift, Tomlinson--16.

NAYS--Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, Linn, Niles, Rives, Robinson, Ruggles, Tallmadige, Tipton, Walker, White, Wright--18.

After some remarks from Mr. CRITTENDEN,

Mr. BUCHANAN explained the bill fully--expressed his anxiety that it should pass and be sent to the other House simultaneously with the Michigan bill, in order that the two States may come into the Union together. He explained that the bill contained no provisions that had been objected to in the Michigan bill; and, in answer to Mr. Calhoun, stated that the rights of the Government to its public lands in the State were perfectly guarded. The bill, he said, had been reported more than a week ago; and being printed, and in the hands of every Senator, they had had a full opportunity of becoming acquainted with its provisions.

The bill was then ordered to be engrossed for a third reading without a division; and

The Senate adjourned.

Monday, April 4.

ADMISSION OF ARKANSAS.

The bill providing for the admission of Arkansas into the Union, on an equal footing with the other States, came up on its third reading.

Mr. BUCHANAN asked for the yeas and nays on the passage of the bill, and they were accordingly ordered.

Mr. BENTON observed that he had no intention to delay the passage of this bill, but on account of the circumstances under which the two bills for the admission of Michigan and Arkansas into the Union had been brought forward--he alluded to the great agitation on the subject of slavery--he thought it due to the occasion to notice one remarkable fact, that ought to be taken into consideration by the people of the United States. It was worthy of notice, that, on the presentation of these two great questions, those gentlemen who had charge of them were so slightly affected by the exertions that had been made to disturb and ulcerate the public mind on the subject of slavery as to put them in the hands of Senators who might be supposed to entertain opinions on that subject different from those held by the States whose interests they were charged with. Thus the people of Arkansas had put their application into the hands of a gentleman representing a non-slaveholding State; and the people of Michigan had put their application into the hands of a Senator [himself] coming from a State where the institutions of slavery existed; affording a most beautiful illustration of the total impotence of all attempts to agitate and ulcerate the public mind on the worn-out subject of slavery. He would further take occasion to say, that the abolition question seemed to have died out; there not having been a single presentation of a petition on that subject since the general jail delivery ordered by the Senate.

Mr. SWIFT observed, that although he felt every disposition to vote for the admission of the new State into the Union, yet there were operative reasons under which he must vote against it. On looking at the constitution submitted by Arkansas, he found that they had made the institution of slavery perpetual; and to this he could never give his assent. He did not mean to oppose the passage of the bill, but had merely risen to explain the reasons why he could not vote for it.

Mr. BUCHANAN observed that, on the subject of slavery, this constitution was more liberal than the constitution of any of the slaveholding States that had been admitted into the Union. It preserved the very words of the other constitutions in regard to slavery; but there were other provisions in it in favor of the slaves, and among them a provision which secured to them the right of trial by jury; thus putting them, in that particular, on an equal footing with the whites. He considered the compromise which had been made when Missouri was admitted into the Union as having settled the question as to slavery in the new southwestern States; and the committee therefore did not think proper to interfere with the institution of slavery in Arkansas.

Mr. PRENTISS referred to the reasons which had induced him to vote against the bill for the admission of Michigan, and said that he must also vote against the admission of Arkansas. He viewed the movements of these two Territories, with regard to their admission into the Union, as decidedly revolutionary, forming their constitutions without the previous consent of Congress, and importunately knocking at its doors for admission. The objections he had to the admission of Arkansas, particularly, were, that she had formed her constitution without the previous assent of Congress, and in that constitution had made slavery perpetual, as noticed by his colleague. He regretted that he was compelled to vote against this bill; but he could not, in the discharge of his duty, do otherwise.

Mr. MORRIS said, before I record my vote in favor of the passage of the bill under consideration, I must ask the indulgence of the Senate for a moment, while I offer a few of the reasons which govern me in the vote I shall give. Being one of the representatives of a free State, and believing slavery to be wrong in principle, and mischievous in practice, I wish to be clearly understood on the subject, both here and by those I have the honor to represent. I have objections to the constitution of Arkansas, on the ground that slavery is recognised in that constitution, and settled and established as a fundamental principle in her Government. I object to the existence of this principle forming a part of the organic law in any State; and I would vote against the admission of Arkansas, as a member of this Union, if I believed I had the power to do so. The wrong, in a moral sense, with which I view slavery, would be sufficient for me to do this, did I not consider my political obligations, and the duty, as a member of this body, I owe to the constitution under which I now act, clearly require of me the vote I shall give. I hold that any portion of American citizens, who may reside on a portion of the territory of the United States, whenever their numbers shall amount to that which would entitle them to a representation in the House of Representatives in Congress, has the right to provide for themselves a constitution and State Government, and to be admitted into the Union whenever they shall so apply; and they are not bound to wait the action of Congress in the first instance, except there is some compact or agreement requiring them to do so. I place this right upon the broad, and, I consider, indisputable ground, that all persons, living within the jurisdiction of the United States, are entitled to equal privileges; and it ought to be matter of high gratification to us here, that, in every portion, even the most remote, of our country, our people are anxious to obtain this high privilege at as early a day as possible. It furnishes clear proof that the Union is highly esteemed, and has its foundation deep in the hearts of our fellow-citizens.

By the constitution of the United States, power is given to Congress to admit new States into the Union. It is in the character of a State that any portion of our citizens, inhabiting any part of the territory of the United States, must apply to be admitted into the Union; a State Government and constitution must first be formed. It is not necessary for the power of Congress, and I doubt whether Congress has such power, to prescribe the mode by which the people shall form a State constitution; and, for this plain reason, that Congress would be entirely incompetent to the exercise of any coercive power to carry into effect the mode they might prescribe. I cannot, therefore, vote against the admission of Arkansas into the Union, on the ground that there was no previous act of Congress to authorize the holding of her convention. As a member of Congress, I will not look beyond the constitution that has been presented. I have no right to presume it was formed by incompetent persons, or that it does not fully express the opinions and wishes of the people of that country. It is true that the United States shall guaranty to every State in the Union a republican form of government; meaning, in my judgment, that Congress shall not permit any power to establish, in any State, a Government without the assent of the people of such State; and it will not be amiss that we remember here, also, that that guarantee is to the State, and not as to the formation of the Government by the people of the State; but should it be admitted that Congress can look into the constitution of a State in order to ascertain its character, before such State is admitted into the Union, yet I contend that Congress cannot object to it for the want of a republican form, if it contains the great principle that all power is inherent in the people, and that the Government drew all its just powers from the governed.

The people of the Territory of Arkansas having formed for themselves a State Government, having presented their constitution for admission into the Union, and that constitution being republican in its form, and believing that the people who prepared and sent this constitution here are sufficiently numerous to entitle them to a Representative in Congress, and believing, also, that Congress has no right or power to regulate the system of police these people have established for themselves, and the ordinance of 1787 not operating on them, nor have they entered into any agreement with the United States that slavery should not be admitted in their State, have the right to choose this lot for themselves, though I regret that they made this choice. Yet believing that this Government has no right to interfere with the question of slavery in any of the States, or prescribe what shall or shall not be considered property in the different States, or by what tenure property of any kind shall be holden, but that all these are exclusively questions of State policy, I cannot, as a member of this body, refuse my vote to admit this State into the Union, because her constitution recognises the right and existence of slavery. As the question of the admission of Michigan has been mentioned at this time, I beg leave to say a word on that subject. I gladly would have corrected some errors into which gentlemen had fallen with regard to the State of Ohio, when that bill was before us, but had not the opportunity to do so. The great objection then made was, that the constitution of Michigan admitted to the right of suffrage inhabitants of six months' residence, without providing that they should be citizens of the United States; and that this Government had the right, and ought to exercise the power, to fix the basis of State power, and to provide that none but citizens of the United States should be qualified voters in the different States. To this doctrine I cannot give my assent; and I am happy to find that, of the eight Senators who represent the four northwestern States, seven of us have disagreed to this doctrine, and voted for the admission of Michigan into the Union. The provision contained in the constitution of Michigan, that all white males of a given age, who had resided in the State for six months, should be entitled to vote, is contained in the constitution of Ohio, long since adopted, with the only difference, that a residence in Ohio must be one year—the constitution declaring that all inhabitants who have resided one year in the State, &c., shall enjoy the right of an elector. It was said, however, that the courts in Ohio had decided, as early as the year 1807, that the word "inhabitants," as used in the constitution, meant only citizens of the United States, and that none others were entitled to vote. I know of no such decision in Ohio, nor can I believe that, if such had been made, it would be entitled to any weight, or be regarded as obligatory by any portion of our citizens. We do not believe there, that our political rights depend on courts of justice; we regulate that concern by a different process. It is true that the Legislature of the State, in 1828, I am inclined to believe, in a time of high party excitement, passed an act requiring the judges or inspectors of elections, that when a voter presented his ballot, if they were satisfied he was a citizen of the United States, and had in other respects the qualifications of a voter, they should deposite his ballot in the box; but this, like other attempts on the constitutional rights of the citizens, as far as my knowledge extends, has been mostly, if not entirely, disregarded; and if the voter has been one year an inhabitant of the State, is a resident at the time in the district in which he tenders his vote, and has paid or is charged with a State or county tax, and is over the age of twenty-one years, his vote is received; for these are the only requirements of the constitution. I cannot, for myself, discern upon what possible ground the claim rests, that Congress have the power to establish a basis for voters in the different States, by requiring that they shall be citizens of the United States. However just and proper the requirement may be, it is the States and not this Government, that have the right to make it; and the constitution of the United States, so far from asserting this right, declares that members of the House of Representatives in Congress shall be elected by the electors in each State which have the qualification requisite for electors of the most numerous branch of the State Legislature. This, to my mind, is conclusive on this subject, and I did believe there was not any just ground for the objections urged against the admission of Michigan; nor can I now believe that those against the admission of Arkansas ought to prevail, either because there has been no previous act of Congress to authorize her people to form a constitution, as has been urged by one Senator, nor because her constitution admits slavery within the State, as has been argued by another. Under every view which I have been able to take on these important questions, the application of both Michigan and Arkansas for admission into the Union, is not prohibited by any provision of the constitution of the United States; and that Congress have not the power to enter into any compromise, bargain, or agreement, with the people of those States, in order to produce a change, amendment, or alteration, of their constitutions; nor has Congress the power to make any such requirement, or to effect such change; but that each State has the right to present herself for admission, in her own time and manner, and that justice and sound policy require the admission of both the States that now seek it.

Mr. PORTER rose to say that he could not vote for the admission of Arkansas, strong as his feelings were in her behalf; being opposed in principle to any State coming into the Union in the manner attempted by Michigan and Arkansas, and which he considered so revolutionary that he felt himself constrained to vote against the bill.

Mr. EWING recapitulated the objections he ahd before given to the bill for the admission of Michigan, and expressed his disapprobation of the manner in which the constitution of Arkansas had been formed, without the previous assent of Congress. He would, however, under all the circumstances, give his vote in favor of the bill.

The question was then taken on the final passage of the bill, and it was passed by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Mangum, Moore, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White Wright—31.

Yeas—Messrs. Clay, Knight, Porter, Prentiss, Robbins, Swift—6.

[The following is the bill as it passe the Senate

A BILL for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.

Whereas the people of the Territory of Arkansas did, on the thirtieth day of January, in the present year, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State Government, which constitution and State Government, so formed, is republican: and whereas the number of inhabitants within the said Territory exceeds forty-seven thousand seven hundred persons, computed according to the rule prescribed by the constitution of the United States; and the said convention have, in their behalf, asked the Congress of the United States to admit the said territory into the Union as a State, on an equal footing with the original States:

Be it enacted, &c., That the State of Arkansas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever; and the said State shall consist of all the territory included within the following boundaries, to wit: beginning in the middle of the main channel of the Mississippi river, on the parallel of thirty-six degrees north latitude; running from thence west, with the said parallel of latitude, to the St. Francis river; thence, up the middle of the main channel of said river, to the parallel of thirty-six degrees thirty minutes north; from thence, west, to the southwest corner of the State of Missouri; and from thence, to be bounded on the west, to the north bank of Red river, by "the lines described in the first article of the treaty made between the United States and the Cherokee nation of Indians west of the Mississippi, on the twenty-sixth of May, in the year of our Lord one thousand eight hundred and twenty-eight;" and to be bounded on the south side of Red river by the Mexican boundary line, to the northwest corner of the State of Louisiana; thence, east, with the Louisiana State line, to the middle of the main channel of the Mississippi river; thence, up the middle of the main channel of the said river, to the thirty-sixth degree of north latitude, the point of beginning.

Sec. 2. *And be it further enacted*, That until the next general census shall be taken, the said State shall be entitled to one Representative in the House of Representatives of the United States.

Sec. 3. *And be it further enacted*, That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said State of Arkansas as elsewhere within the United States.

Sec. 4. *And be it further enacted*, That the said State shall be one judicial district, and be called the Arkansas district; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold, at the seat of Government of the said State, two sessions annually, on the first Mondays of April and November; and he shall, in all things, have and exercise the same jurisdiction and powers which were, by law, given to the judge of the Kentucky district, under and act entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for the said district court, who shall reside and keep the records of the court at the place of holding the same; and shall receive, for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

Sec. 5. *And be it further enacted*, That there shall be allowed to the judge of the said district court the annual compensation of two thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly, at the Treasury of the United States.

Sec. 6. *And be it further enacted*, That there shall be appointed in said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars, as a full compensation for all extra services.

Sec. 7. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed to marshals in other districts; and he shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Sec. 8. *And be it further enacted*, That the State of Arkansas is admitted into the Union upon the express condition that the people of the said State shall never interfere with the primary disposal of the public lands within the said State, nor shall they levy a tax on any of the lands of the United States within the said State; and nothing in this act shall be construed as an assent by Congress to all or to any of the propositions contained in the ordinance of the said convention of the people of Arkansas, nor to deprive the said State of Arkansas of the same grants, subject to the same restrictions, which were made to the State of Missouri by virtue of an act entitled "An act to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," approved the sixth day of March, one thousand eight hundred and twenty.

Mr. CALHOUN rose to say that, as soon as the debate on the expunging resolution would allow, he would call up the bill introduced by him to prevent the circulation of incendiary publications through the mails, and he hoped the Senate would then agree to its consideration.

EXPUNGING RESOLUTION.

On motion of Mr. LEIGH, the expunging resolution offered by Mr. Benton was taken up for consideration.

Mr. LEIGH rose and said he wished the Senate, and especially his friends who concurred with him in sentiment on this very peculiar and important question, to understand that private cares, from which he could not withdraw his mind, had alone prevented him from giving that undivided attention to the subject which would have enabled him to call it up for consideration at an early day.

He said the resolution of the 28th March, 1834, declaring "that the President, in the late executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," presented, in itself, two questions for consideration: 1st. Whether the proposition there affirmed was just and true, in point of fact and in point of law. And, 2d. Whether it was within the constitutional competency of the Senate to entertain such a resolution, and to determine upon it. And it was upon the negation of these two points, for reasons set out in the preamble, that the gentleman from Missouri founded the proposition now made, to expunge the resolution from the journal. Now, (said Mr. Leigh,) it is most obvious, that if the gentleman had proposed a preamble and resolution, reciting that the resolution of March, 1834, was false and unjust in fact and in law; that it was an assumption of the powers of the House of Representatives; an impeachment, trial, and prejudication of the President, on a criminal charge; and resolving, therefore, that the resolution be rescinded—this would have been as strong a censure of the resolution, as effectual an exoneration of the President from all blame, as effectual an expression of that sentence of condemnation which, we are told, the people have pronounced on our conduct, and of the judgment imputed to them, of acquittal and approbation of the President, as this resolution to expunge the entry of the former resolution from the journal. No one doubts the constitutional right of the Senate to rescind the resolution of March, 1834, if it really think the proceeding a usurpation of power, incompatible with our duties, unjust in fact and in law, and mischievous. And his mind must be strangely constituted, who does not see that the right of the Senate to expunge the resolution from the journal, is, to say the least, questionable. The very argument of the gentleman from Missouri on this point, and much more that of my colleague, evince that, even in their own sense, the right is not free of doubt; that of my colleague seemed to me to betray not a little skepticism. The known, the recorded hesitancy of many Senators at the last session, as to the right of expunging, who were ready and desirous to rescind, ought, I should think, to satisfy gentlemen that the right to expunge is, at best, doubtful. Why, then, is that course, as to the constitutionality of which there is no question, and which would present the whole merits of the contested resolution for consideration, relinquished; and this course, the constitutionality of which even its advocates, though they have reasoned themselves into a belief that it is right, must, I presume, admit to be somewhat questionable, preferred, and restored to?

"Expunge," says the gentleman from Missouri, "expunge is the word;" because it serves to fix a mark of disgrace on the conduct of the Senate; because it condemns not only our resolution, but our motives; because it pronounces sentence on the Senate (as a reward to the President) of "dishonor, denunciation, stigma, infamy;" because "it is the only word that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of time;" and because, says my honorable colleague, (if I rightly apprehend his meaning,) the Senate is the most irresponsible body in this Government; for I can conceive no reason for this allegation of irresponsibility against the constitution of the Senate, in the present debate, but to show the wisdom and necessity of humbling it, or to rouse against it the indignation and jealousy of the public, which may stand in place of a reason for the proposed sentence of condemnation.

As to the panegyric on the President, I shall only say, for the present, that if he desires this poor triumph over his political opponents—a triumph more humiliating to himself, in truth, than to them—as Cato's image, drawn in Cæsar's train, detracted nothing from the fame of the dead patriot, but only showed the pusillanimity of the victor—"ignobly vain and impotently great;" this alone would be sufficient to evince that he deserves no such panegyric. I agree with the gentleman from Missouri, that the President's name and memory will live as long as the history of these times shall be extant: but whether they will live for honor and gratitude, or for contempt and detestation—whether he shall be regarded, in aftertimes, as the benefactor of his country, or as the destroyer of its free institutions—whether his history shall be written by some future Plutarch, or by a Tacitus or Sallust—whether his name and deeds shall be the theme of immortal praise, or "damned to everlasting fame;" this, let me tell the gentleman from Missouri, it is no more within his competency to decide or foresee than it is within mine. All-trying time can alone determine. Henry VIII was lauded, during his life, for piety, generosity, and justice; and James I for his wisdom; Cicero paid the forfeit of his life for his patriotism and virtue; and John De Witt was torn in pieces by the people, to whose service, to the establishment of whose civil liberty and republican institutions, he had devoted his whole life and his great abilities. But history has been impartial.

I am sorry my honorable colleague thought it proper, on this occasion, to denounce the Senate as the most irresponsible body in this Government. I must say that it is of a piece with the denunciations of the Senate that have been for some time going the round of the ministerial newspapers. It is truly astonishing to me that any statesman should entertain such an opinion. The President, wielding the whole of the vast patronage of this Government, and being, in the nature of things, the head of the dominant party for the time being, is, in every practical view, far less responsible than the Senate; and if the gentleman's opinions of the constitutional powers and rights of the Executive be correct, I shall show him, before I have done, that the President is absolutely irresponsible.

But, if my colleague founds this allegation of irresponsibility against the constitution of the Senate on the length of its term of service, I think he must admit, upon his own principles, that the Judiciary is yet more irresponsible; and therefore I apprehend that, when the Senate shall be disposed of, when it shall be reduced to insignificance and utter inefficiency, the constitution of the judiciary department will be taken up for subversion, under pretext of reform. Indeed, the note of war against it has already been sounded. I presume my honorable colleague will not deny that this alleged irresponsibility of the Senate, if it exist, is ordained by the constitution; and then, I ask him whether to stigmatize the Senate for that cause, to point public jealousy and indignation against it, to degrade, to humble it at the foot of the presidential throne, is not an attempt, so far forth as it may work, to effect a practical change in the constitution of the Senate? and this for the very reason that it has approved itself capable of fulfilling (though but for a brief space) the purposes of its institution; namely, of exercising a check on the executive power and on the national popular branch of the Legislature. If the Senate be not sufficiently responsible, that may be a good reason for resorting to the direct remedy for this vice in the Government, and proposing an amendment of the constitution; but it is no reason for fixing a stigma upon it, or for rousing the resentment and indignation of the public against it. And it was with surprise and chagrin that I heard my colleague urge this imputed irresponsibility of the Senate, in an argument to show the propriety of setting a mark of ignominy on any of its proceedings.

The constitutional question involved in the proposition to expunge the resolution of March, 1834, lies, in truth, in a very narrow compass—whether such expunction be consistent with the provision of the constitution that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal." I stand on the supremacy of the constitution, and the plain meaning and intent of the express requisition, that the Senate "shall keep a journal of its proceedings;" and my task is to expose the fallacy of those glosses, by which the advocates of the expunging process would persuade us to avoid the constitutional provision, and defeat its purposes.

My honorable colleague told us with admirable gravity that, as it has been the known, invariable, and indispensable practice of every legislative body to keep a journal of its proceedings, the constitutional injunction upon each House of Congress to keep a journal, taken substantively by itself, is wholly supererogatory; and that every legislative body has an absolute discretion over its own journal, inherent in the very nature of parliamentary institutions—an unlimited right to make what disposition in respect to them it thinks proper—and may exercise such discretion at any time; which he did not attempt to prove by argument, but only to establish by precedents. And so he concluded, very logically, that we have a right to expunge the entry of this offensive resolution from the journal of the session of 1833–'34. Never have I read or heard any thing put in the form of argument that was so perfect a specimen of the *petitio principii*. The gentleman has begged the whole question. He has stated the propositions it was his duty to prove as *postulata;* and then concluded to the very propositions he had taken for granted. Give him his premises; grant that the constitutional requisition that we shall keep a journal is supererogatory, and so of no effect; allow him to expunge those words from the constitution; and grant, too, that every legislative body, the two Houses of Congress not excepted, has an absolute, unlimited discretion to do what it thinks proper with its journal; and then I myself should not controvert the conclusion, that we may expunge this entry of the resolution of March, 1834, from our journal. But he cannot show a right to expunge this entry from our journal, unless he can show a right to expunge the injunction to keep the journal from the constitution.

When gentlemen propose to expunge the resolution of March, 1834, from the journal of that session of the Senate, what do they mean by expunging? The English verb *to expunge* has (according to Dr. Johnson) only two senses: 1st, to blot out, rub out; 2d, to efface, annihilate. The word is used metaphorically, when, in any thing written for the purpose of being fairly copied or printed, a word or passage is struck out by running the pen through it, which prevents it from being copied or printed, and so expunges it in effect. It is in this sense that Swift uses it in the passage quoted by Johnson as an example: "Neither do they remember the many alterations, additions, and expungings, made by great authors, in those treatises which they prepare for publication."

But in this sense gentlemen do not mean to expunge our resolution from the journal; they do not profess an intention or wish so to expunge it; in truth, they cannot so expunge it, for it has been already printed and published.

Can the resolution be expunged from the journal, in the true literal acceptation of the phrase, without a violation of the constitution? The argument is, that the injunction upon each House of Congress to keep a journal is simply a requisition to make one, which is to be printed and published, and is to be made only for the purpose of being published; that, after the publication, the duty to keep the journal is at an end; the printed copy is the journal; the manuscript copy is *functus officio*—it is mere waste paper; and the keeping of the original manuscript is only matter of form. If this be true, what is it? I ask, in the name of common sense, what is it gentlemen are proposing to do? Not to expunge an entry from the journal of a former session of the Senate, but only to deface a piece of waste paper they have found in the Secretary's office, which they, or the Secretary, or any body else that can lay his hands upon it, may destroy without fault or blame; which they might carry to the President, lay it at his feet, and invite him to trample upon this cast-away memorial of the transactions of the refractory Senate, or throw it into the flames, or order it to be burnt by the common hangman; which any man may, without fault or hazard, the moment after the expunging process shall be completed, tear in pieces, and give to the winds. Do gentlemen seriously desire to expunge the resolution from the journal, in effigy? Can they really think that expunging in this wise, defacing a piece of waste paper, "is the only word that can render adequate justice to that man who has done more for the human race than any other mortal who has lived in the tide of time?" What an appropriate act to signalize their real estimate of the merits they so highly extol! What a glorious triumph, what a pleasing gratification, must this "avenging word expunge," thus understood and applied, afford to the President!

But what, in truth, is the journal of the Senate? The original manuscript journal, made out from the minutes of our proceedings, according to the rules and orders of the Senate, read over every morning, amended and corrected if erroneous, and finally deposited in our archives? or, the numerous printed copies, made from a copy furnished by the Secretary to the public printer, distributed to members of Congress, to the federal, executive, and legislative officers, the State Governments, foreign ministers, universities, and public libraries? Gentlemen say, the printed copy; because, forsooth, a printed copy of the journal published by authority, is received as primary evidence in the courts of justice. True, it has been held to be so admissible, but this is on a principle of general convenience; because the printed copy is very seldom erroneous, and its accuracy is hardly ever questioned or questionable; and because, to require an exemplification, or an examined sworn copy, in every case in which such a document may be wanting for evidence, would lead to unnecessary delays, trouble, and expense. But to bring this question to a plain decisive test. Suppose the journal of the Senate should be offered as evidence of any right or claim, and it should be alleged that the printed copy published by authority varies from the original manuscript journal, and this should be made to appear by an inspection of the original; which would be respected, the printed copy, or the original manuscript journal? No one who has the least notion of the law of evidence will hesitate for the answer. The original manuscript journal is the evidence which the court must respect.

The printed editions of the constitution and laws of the United States, published by authority, are resorted to as evidence of the law in all the courts of justice of the Union, State and federal. Is it to be, therefore, inferred that the original manuscript enrolments of them are no longer of any use? That the laws having been made, printed, and published by authority, there is no longer any duty to keep the rolls of parchment on which they are written? That they may be effaced, mutilated, or destroyed, or applied to any purpose to which they can be applicable? as the monks in the dark ages used the parchments on which the Latin classics were written, for inditing their own worthless treatises of theology.

There are two facts in the history of our legislation which furnish a most apt and perfect illustration of this part of the subject.

In Bioren's edition of the constitution and laws of the United States, published by authority, and daily resorted to for evidence of the law in all our courts of justice, there is found a 13th amendment of the constitution, ordaining that, "if any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, or shall, without consent of Congress, accept and retain any present, pension, office, or emolument, of any kind whatsoever, from any emperor, king, prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them." But we all know that this is not a part of the constitution; that it has not been ratified by a sufficient number of States to make it so. And I see that in the copies of the constitution printed under the superintendence of our Secretary, and furnished to the members of the Senate, it has been, very properly, wholly omitted. Now, suppose that any man should receive and retain a present from a foreign potentate; suppose, for example, my honorable colleague (there is no want of courtesy in making the supposition, since no one can believe the case possible in fact) had, during his embassy to France, received a present from Louis Philippe, and retained it for his own use, and his citizenship and capacity for public office should be drawn in question, and impugned on that ground, and the fact should be proved by incontestable evidence: I ask him to tell me what ought to be thought of the judges who should take and apply to his case the 13th amendment of the constitution, printed in Bioren's edition of the laws, published by authority, and deny him all recourse to the evidence which the journals of the State Legislatures would afford, that this provision is not a part of the constitution?

At the last session of Congress, there was a bill that passed one House, but was not, in fact, passed by the other; yet, through inadvertence, it was enrolled, signed by the President of the Senate and by the Speaker of the other House, and actually approved and signed by the President. The mistake (as I understand) was discovered before the acts of the session were printed and published. But, suppose the discovery had not been so timely made, and the act had been printed and published by authority; this, surely, would not have been of force to make that a law which had received the assent of only one branch of the Legislature. But the truth could nowise be ascertained but by an examination of the journal. It may be said, indeed, that the truth would equally appear by an inspection of the printed copy as of the manuscript original. And this would be true enough, upon the supposition that the printed journal is an exact copy of the manuscript, and capable of being verified by a comparison with it; but if we shall assert and exercise a right to expunge any entry from our manuscript journal, and thereby to prevent the insertion of it in the printed copy, we shall take away all faith, all confidence, all certainty, from the printed journal; and if we shall establish the doctrine, that the original manuscript need not be preserved for a moment after the printing and publication of it, by what possible means shall the true history of our proceedings be ascertained? If the act I have mentioned, which, though passed by only one House, was enrolled and signed by the presiding officers of both Houses, and approved by the President, should be adduced, with all these evidences of authority upon it, as the foundation of any right claimed under it, and it should be objected that the act never received the assent of the Senate, the answer would be plausible, if not conclusive, that, for aught that appears, the Senate may have expunged the entry of its assent to the act, after it had been perfected by the approbation of the President, and that the act must be regarded as law. The answer certainly could not be refuted by an appeal to any authentic written evidence. I beseech gentlemen to reflect upon the possible consequences of this "avenging" process of expunging; what doubts it may bring upon the evidence of our proceedings; how it may impair the authority of our acts; how it may, perchance, have the effect of giving authority to acts, as laws, which, in truth, have never been passed.

The original manuscript journal is the journal; that journal which the constitution commands us to keep. But gentlemen insist that the constitutional provision that "each House shall keep a journal," imports only that they shall make one, without requiring that they shall preserve it.

This Anglo-Saxon word *to keep* is generally used in a strict literal sense, and then always imports to preserve, and nothing else or more. It is used in divers metaphorical senses, which, from frequency, have the appearance, at first view, of being literal; but it always imports the idea of preservation or indefinite continuation, intended, requested, or commanded. It is never used as synonymous with making any thing. Every child of three years old knows, when his mother tells him to keep any thing, that she means he is to take care of it. The very instances stated by the gentleman from Missouri serve to show that to keep does not mean to make, but to preserve, or to continue indefinitely. Take a few of the least obvious of them for specimens. "To keep company" does not mean to make the company one keeps, but to frequent one or more persons, often and habitually; not to pay a single casual visit. "To keep a mill" means not to make the mill, or to make the grain to be ground, or to grind the grain; but to take care of the mill, attend to the working of it, preserve the corn for grinding, and, after it is ground, preserve the meal for use. "To keep a store," or "to keep a bar," most certainly does not mean to make the goods or the liquors, nor (as he supposes) simply to sell them; it means to take care of the goods for sale, sell them, and preserve the proceeds for further use.

But let us resort to better authority than either the gentleman or I can pretend to be. The English translation of the Bible is one of the best authorities we have in the language for the meaning, propriety, and purity of words and phrases. It is "the well of English undefiled." This word *keep* is very often used in Holy Writ, and always imports the idea of careful preservation, or endless, indefinite continuation. "The Lord's portion is his people; Jacob is the lot of his inheritance. He found him in a desert land, and in the waste howling wilderness. He led him about, he instructed him, he kept him as the apple of his eye." "Except the Lord keep the city, the watchman walketh about in vain." "Holy Father, keep through thine own name those thou hast given me, that they may be one as we are. While I was with them in the world, I kept them in thy name. All thou gavest me I have kept, and none of them is lost but the son of perdition." "Hold fast the form of sound words which thou hast heard from me, in faith and love, which is in Jesus Christ. That good thing which was committed unto thee, keep by the Holy Ghost." So in the catechism of the Protestant Episcopal Church, the child is taught, as part of his duty to his neighbor, "to keep his hands from picking and stealing, and his tongue from evil-speaking, lying, and slandering." No one would be willing that his children should be taught that they are not bound to keep themselves steadily in the practice of honesty, truth, and charity, throughout their lives, and under all temptations; that they may cast them off whenever it may suit their convenience or gratify their passions. One more instance, taken from Locke: "If we would weigh and keep in our minds what we are considering, that would instruct us when we should or should not branch into distinctions."

Our business is to ascertain the meaning of the phrase used in the constitution, which expressly requires us to keep a journal of our proceedings. Gentlemen say this only requires us to make a journal, and to print and publish it; but not, after having made and published it, to preserve it also. To give even a plausible color to this construction, gentlemen should, at least, have shown that there can be no possible use in preserving the original manuscript journal after the publication of the printed copies. But this they have not attempted, nor (apparently) even thought of. I say that to keep a journal means to make one, and to preserve the very journal made; and I have shown the reason, the use, the necessity, for doing so.

For the meaning of the phrase, in common speech, we may safely confide in Johnson. A journal is "an account kept of daily transactions." And the example is extracted from Hayward on Edward the VI: "Edward kept a most judicious journal of all the principal passages of the affairs of his estate." If that precocious prince only made, and took no care to preserve his journal, how came Hayward to know that he made one, and a most judicious one?

The technical parliamentary meaning of the phrase is ascertainable without difficulty, and beyond all doubt. The kindred phrases—to keep the rolls, to keep the records, keeper of the rolls, keeper of the records—all imply the duty of most careful preservation. But I find a conclusive authority in a passage of the printed speech of the gentleman from Missouri himself: "The Clerk of the English House of Commons was the keeper of the journal; and he took an oath to make true entries, remembrances, and journals, of the things done and passed in the House of Commons. As far back as 1641 the Clerk was moved against for suffering his journals, or papers committed to his trust, to be taken by members of the House from the table; and it was declared that the Clerk, who is the sworn officer, and intrusted with the entries and the custody of the records of the House, ought not to suffer any journal or record to be taken from the table, or out of his custody; and if he shall hereafter do it, after this warning, that at his peril he shall do it." This account is truly taken from Hatsell; and it proves, clearly, that the duty of keeping the journal imposed on the Clerk, was the duty both of making up the journal faithfully and truly, and of preserving the journal so made carefully in his own custody. And Hatsell elsewhere informs us, that, in January, 1661, upon information given to the Commons "that the Clerk of the Lords' House permitted the original rolls of acts of Parliament to be carried to the printer, and that they were ripped in pieces, and blotted and abused, and in danger of being embezzled or altered, it was ordered that a message be sent to the Lords to desire them to give orders that these rolls may be kept in the office, and not delivered to the printer; but that true copies, fairly written, and examined and attested, may be delivered to him." I know not what has been the practice here in this particular, but I hope our rolls are never sent to the printer. I presume our acts are printed from the engrossed bills, from which the enrollments have been previously made.

My honorable colleague says that the constitutional requisition to keep a journal of our proceedings is mere matter of inducement to the requisition immediately following in the same sentence, to publish the same from time to time. So that we are bound to keep only for the purpose of publishing; and when we have published, our whole duty is fulfilled. Indeed! He finds two positive injunctions in the constitution, in the same sentence, respecting the same thing, and thinks he may absolve himself from the obligation of the first by complying with the last. This is a novel specimen of that kind of ingenuity by which constitutions and laws have been made to mean any thing, every thing, nothing!

The verbal criticism into which I have entered may have appeared to some gentlemen trivial, and to many superfluous; but I hope it will be remembered that I have entered into it only for the purpose of exposing the fallacy of other verbal criticisms, by which the plain meaning of the plain words of the constitution has been offuscated, and the duty it imposes sought to be avoided. If I have ascertained the true meaning of the constitutional provision that "each House shall keep a journal of its proceedings;" if that requires us to make and preserve a journal—a fair and full, not a false journal, garbled, mutilated, or defaced; and if the original manuscript be the journal, the question, one would think, is at end. But no; precedents have been brought to bear upon the subject—forced, indeed, into the service—the authority of which, it is supposed, will outweigh the conclusions of reason.

The precedents of expunging entries from the journals of either House of the English Parliament can, by no violence, be made applicable to the purpose. The journals of the two Houses of Parliament are kept in pursuance of a simple order of each House; and in the expunging of any entry from the journal of either, the House merely disregards its own order; which, as it was ordained by its own several authority, may, by its several authority, too, be suspended, avoided, or contravened, at its discretion. The duty of the two Houses of Congress to keep a journal of their proceedings is imposed by the constitution; by the sovereign authority, whose commands neither branch of the Legislature, nor the whole Legislature, is competent to annul or dispense with. The rules, orders, and usages, by which each House of the British Parliament governs itself, are not law, in the absolute sense of the word, much less constitutional law. But the rules prescribed to the two Houses of Congress by the constitution are part of (what Bacon justly and happily calls) the *leges legum*—the laws by which the Legislature itself, and the laws it makes, are governed, controlled, and limited. Mr. Jefferson says, in the preface to his Manual, that "the law of proceedings in the Senate is composed of the precepts of the constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament;" and this is "as a warrant for appealing to parliamentary precedents on a point where the constitution is not silent! where its precept is express, plain, and positive!"

It is true that, in the theory and practice of the British Government, the Parliament is omnipotent. The constitution itself may be changed by the act of the three estates, King, Lords, and Commons, concurring. And gentlemen think they have found an act of Parliament whereby the House of Commons is required to keep a journal of its proceedings; and thence they infer that the precedents of expunging entries from its journal by order of the House are an authority for us to expunge an entry from our journal. The statute they allude to is that of 6 Henry VIII, ch. 16, which recites that many members of the House of Commons left their places before the end of the session, and that many great and weighty matters were usually enacted at the end of the session; and, therefore, enacts that "no member shall depart without license, to be entered of record in the book of the Parliament, appointed, or to be appointed, for the Commons' House," upon pain of forfeiting his wages, payable by his county, &c. Now, it is plain that it was only these leaves of absence that were required by the statute to be recorded in the journal; and the entries of them were in the nature of a record, (in the legal signification of the word,) since they contained conclusive evidence of private right—namely, the right of the member absent on leave to his wages. I ask gentlemen whether they really think that it would have been competent to the House of Commons to have expunged from its journal the record of a leave of absence granted, which it was required by statute to enter; and, by so expunging, to have inflicted an *ex post facto* forfeiture of his wages on the member to whom the leave of absence had been given? These leaves of absence are the only proceedings ever required by any statute to be entered on the journal of the Commons; and these, obviously, they could not, without a plain violation of right, have expunged from the journal. That the requisition of the statute was confined to that particular proceeding, that the Commons themselves did not regard it as requiring them to keep a general journal of its proceedings, is absolutely certain; for Hume says it was not till the reign of James I—namely, in July, 1607--that an order was entered by the Commons, for the first time, for the regular keeping of their journals; and we learn from Hatsell that this order was repeated in May, 1621, by a resolution of the Commons, that "all their proceedings should be entered there, and kept as records—that is, (as I understand it,) not that all their proceedings were matters of record, in the legal meaning of the phrase, but only that their journals should be kept in the way records are kept.

Not to pass over without notice other authorities referred to by gentlemen, to show that the duty of the two Houses of the British Parliament to keep journals of their proceedings rests on a like foundation with our duty to keep a journal of our proceedings, I have to tell the Senate that the passage in Hatsell, referred to by my honorable colleague, (3 Hatsell, 28, 29,) only states that, in March, 1606, the Commons insisted that their House was a court, while at the same time they have always denied that their journals were public records. The Lords denied that the Commons were a court. The Commons referred to the statute of 6 Henry VIII, ch. 16, requiring leaves of absence to be entered of record in their journal, by way of argument to support their claim; but the point was left, and yet remains, undecided. Hatsell further informs us that the great lawyers of those times entertained different opinions on the question; that Coke earnestly maintained that the Commons were a court of record. But it appears from 4 Inst. 23, 24, referred to by the gentleman from Missouri, that Coke only held that the Commons are a court of record in cases were they act judicially.

And now, sir, I repeat, with perfect confidence, that, as the keeping of the journals of the two Houses of the British Parliament is required only by the orders of each House, made by itself, and for itself, severally, no precedents of either House, dispensing with or contravening its own orders, by expunging any part of its journal, can be any authority or any apology to us, who are commanded by the constitution to keep a journal of our proceedings, for expunging any part of our journal. The same reasoning applies with equal force to avoid the authority of any precedent of expunction ordered by any colonial or State Legislature in our own country, before or since the Revolution, whose journals have been kept in virtue of its own orders, and not in pursuance of any constitutional provision.

But the precedents of expunging in the British Parliament, that have been brought to the notice of the Senate by my colleague, are so pregnant with instruction on other topics of this debate, that they cannot be passed over without particular consideration. Really, sir, one that did not know better, might have been apt to imagine that they were collected and referred to for the purpose of confuting some of the leading arguments of the gentleman from Missouri; for they are more apposite to that purpose than to any other.

The first instance he mentioned was that which occurred in the memorable proceedings of Parliament in the case of ship-money, during the reign of Charles I. The account he gave of the transaction was so different from my recollection of it, that it surprised me not a little. He supposed that the judgment in the Exchequer against Mr. Hampden, for the twenty shillings of ship-money assessed upon him, was cancelled by an order of the House of Commons, (in which he was probably misled by the concise account of the proceeding given by Hume, who had no purpose and no reason to enter into details,) and he represented it as an instance in which the process of cancellation or expunction was applied even to a judicial record. The fullest and most authoritative account of the transaction, that I know of, is to be found in the 3d volume of the State Trials; and the story is this: On the 7th of December, 1640, the Commons voted that the levying of ship-money by the Crown, the extra-judicial opinions of the judges sustaining the King's prerogative in that respect, delivered in the star chamber, and enrolled in the courts of Westminster, the warrants for levying ship-money, called ship-writs, and the judgment in the Exchequer against Mr. Hampden, were all contrary to the laws of the realm, the rights of property, the liberty of the subject, former resolutions of Parliament, and the petition of right. And they afterwards delivered these votes to the Lords at a conference of the two Houses; and, at the same time, they gave in articles of impeachment against Sir Robert Berkley, one of the judges of the King's Bench; in which they accused him (among other things) of delivering an extra-judicial opinion in the star chamber, affirming the prerogative of the Crown to levy ship-money, and concurring in the judgment of the Exchequer against Mr. Hampden, (setting out the opinions and judgment at length;) "all which words," (they charged,) "opinions, and actions, were so spoken and done by him, traitorously and wickedly, to alienate the hearts of his Majesty's liege people from his Majesty, and to subvert the fundamental laws and established Government of his Majesty's realm of England." After the conference, and while the articles of impeachment were pending against Sir Robert Berkley, and while, too, it was well known that all the other judges who had concurred with him in opinion on the question of ship-money were liable to impeachment on the same grounds, the House of Lords, on the 20th of January, 1640, old style, resolved, *nem. con.*, that the ship-writs, the extra-judicial opinions of the judges therein, and the judgment against Mr. Hampden, were contrary to the laws and statutes of the realm, the rights and properties of the subject, former judgments in Parliament, and the petition of right: that is, the Lords, though they were to sit in judgment upon the articles of impeachment against the judges who had affirmed the prerogative of the Crown to levy ship-money, condemned the act of the judges as strongly as the Commons, who had impeached one judge, and might, and probably would, impeach the others. On the 20th of February following the House of Lords ordered that all the rolls containing the opinions of the judges, the judgment against Mr. Hampden, and the records of the proceedings, should be brought into the House; that *vacats* thereof should be entered "by the judgment of the Lords, spiritual and temporal, in the court of Parliament;" and that the rolls should "be rased across with a pen, and subscribed with the Clerk of Parliament's hand." And this was accordingly done.

Let me pause here, and ask my honorable colleague whether he thinks this proceeding a precedent that we may safely follow throughout? whether, if the Supreme Court should give a judgment ever so plainly illegal and unconstitutional, we could in like manner vacate and cancel it?

[Mr. Rives explained. He was understood to say that he was not uninformed of the particulars of the proceedings in Parliament on the case of ship-money, as they had been stated by Mr. L , and that he had not referred to them as a precedent for cancelling or expunging a judicial record, but simply as an instance in which cancellation had been resorted to for the purpose of vindicating and maintaining the principles of civil liberty.]

I understood my colleague to refer to these proceedings as a precedent of expunging which might serve as an authority for our expunging--then to cite his other English precedents for the like purpose--and, after stating them as precedents in point, to recommend them as good guides for us, by displaying the benefits to civil liberty which the process of expunging had been employed to accomplish. But he knows his own purpose best; and I cheerfully take his explanation.

And now, let me tell my colleague that this proceeding of the House of Lords is not to be regarded as a case of cancellation by mere authority of that House. It will be observed that the *vacats* and cancellations were ordered "by judgment of the Lords, spiritual and temporal, in the court of Parliament." They professed to act judicially; and, in doing so, they assumed jurisdiction to vacate and cancel a judgment which had not been brought before them by appeal. They had claimed a like jurisdiction before; but, as they well knew, it had been disputed and denied. Therefore, they ordered a bill to be prepared, to confirm their *vacats* and cancellations; which bill was passed; and it is upon the strength of this act of Parliament that the legality of the cancellation rests.

But the principal purpose for which I have called the particular attention of the Senate to these proceedings in the case of ship-money, is, to show that the House of Lords, the high court of impeachment, while an impeachment against one judge, for illegal, unconstitutional, and extra-judicial opinions and judgments, was actually pending before them, and impeachments against other judges on the like ground might probably be expected, did not regard it as at all incompatible with their judicial character to declare, by unanimous resolutions, that the acts of the judges were illegal and unconstitutional; they did not suppose that they were prejudging the person accused, much more those who might be accused; they understood that the guilt of the judges did not depend on the illegality of their opinions and judgments, but upon the wilful, criminal intent imputed to them. Now, the main argument of the gentleman from Missouri, to show the incompetency of the Senate to entertain the resolution of March, 1834—to show that "expunge is the word," because it alone can condemn our proceedings as having begun in wrong--is, that the resolution was an impeachment, trial, and prejudication of the President on a criminal charge, though the resolution alleged no criminal intent; though no man imagined the possibility of an impeachment against the President, for the acts which the resolution declared illegal and unconstitutional; and though it is perfectly obvious that the illegality imputed to the President's conduct might be owing to error of judgment, without the least intentional wrong. And thus this precedent, which my colleague has brought with commendation to our notice, serves to confute the argument of his friend from Missouri; and it serves no other purpose.

The case of Skinner against the East India Company, which was the next precedent referred to by my colleague, (as an instance of expunging even a judicial decision,) has been considered important in England, only because it resulted in an informal but effectual settlement of a disputed point of the jurisdiction of the House of Lords as a court of civil judicature. Skinner had gone to the East Indies upon a mercantile adventure; but he purchased an island, and endeavored to establish himself upon it as his own domain. The East India Company thought this an invasion of their rights, and they took away his goods, and drove him from his island. Skinner preferred his petition to King Charles II for redress. The King referred the case first to two members of his council, and, after a long delay, sent it to the House of Lords, that it might administer justice. The Lords assumed original cognizance of the case, cited the East India Company to answer Skinner's petition, overruled a plea put in by the company to the jurisdiction, and finally gave judgment for Skinner for £5,000. Meanwhile the company presented a memorial to the House of Commons, complaining of the proceedings of the Lords, as an unwarrantable assumption of original jurisdiction in a civil cause, which deprived the company of its rights to a trial according to the due course of law. The Commons remonstrated against the jurisdiction claimed by the Lords, as unjust, oppressive, illegal, and against common right; and the Lords, on their part, remonstrated against the conduct of the Commons, in receiving a libellous complaint against them and their proceedings. A long and angry controversy ensued between the two Houses. The Commons resolutely forbore to act on the bills of supply to the Government. The King, hoping to put an end to the quarrel, in December, 1669, prorogued the Parliament to the February following. But, when Parliament met again, the Commons renewed the quarrel with increased warmth. The King, finding that he was to get no supply (which was all he cared about) till the controversy between the two Houses should be terminated, made a speech to them, in which he proposed and recommended that each should expunge from its journals every entry relating to the subject, so that no memorial should be preserved of the proceedings of the Lords against the East India Company, or of the controversy between the two Houses that grew out of it. Both Houses saw the wisdom and even the necessity of compliance. The Lords expunged all, without exception; the Commons entered the King's speech on their journal and expunged all the rest. The House of Lords have never since attempted to exercise original jurisdiction in any civil cause. Now, in fact, here was an expunging of entries from the journals by the concurrent act of the three estates, King, Lords, and Commons, though it was not effected by a formal act of Parliament; and whoever will attentively examine the history of the transaction, (as it is reported in the sixth volume of the State Trials,) will see that there was no other way in which the object could have been accomplished; for, had a bill been introduced for the purpose, that would have engendered a dispute concerning other kindred points of jurisdiction claimed by the Lords, and the quarrel between the two Houses would have been renewed.

But this case serves to show how and why the process of expunction was originally introduced, and its meaning, purpose, and effect. It began at a time when the two Houses of Parliament were not in the habit of printing and publishing their journals promptly after each session, and when, of course, the expunging of an entry from the journal had the effect of preventing the entry from appearing on the journal at all when it should be printed and published. They expunged in the sense in which Swift speaks of the "expungings made by great authors in those treatises they prepare for publication.' They did the very reverse of that which it is proposed we shall now do. It will be found, by an examination of the printed journals of Parliament for the time, (they are in our library,) that no trace of the proceedings in or concerning this case of Skinner against the East India Company is to be found in them. The same remarks are probably applicable to the expunging of the protest of the tory lords in 1690, which was the next precedent referred to by my colleague.

In the first Parliament regularly called, after the expulsion of James II, and the accession of William and Mary to the throne, a bill was introduced in the House of Lords for recognising the title of the King and Queen to the crown, in which a clause was inserted, declaring that the acts passed by the convention Parliament "were, and are, laws." The tory lords, in the progress of the bill, succeeded, by a small majority, in having this clause struck out; and the whig lords protested. In the sequel, the clause was reinstated in the bill by a majority of six votes; and the tory lords, in their turn, entered a protest, the terms of which indicated disrespect towards the majority; but the principal objection to it was, that it, in effect, denied the legal authority of the convention Parliament, and so impugned the fundamental principles of the settlement that had been so happily accomplished by the revolution. The whig lords immediately ordered this protest to be expunged from the journal. I pray the attentive consideration of the Senate to the circumstances of this transaction. The tory lords (as my colleague truly observed) had an undoubted acknowledged right to enter a protest upon the journal, expressing their dissent from the opinion of the majority, and their reasons for it: the majority, notwithstanding, expunged the protest; and this proceeding is quoted with approbation, and held up to us as an example and authority. The President of the United States, who has no manner of right to judge of our rights and privileges, of which the constitution makes us the sole judges—who has no color of right to protest against any of our proceedings, sent us a protest against our resolution of the 28th March, 1834; and the loudest complaints are made against us for refusing to consent to this irregular, unauthorized interference with our proceedings, and for declining to receive the protest, and enter it on our journal! It is said the President's protest was respectful and temperate. That is matter of taste; but granting that that is the true character of the protest, the Senate would still, in my opinion, have been wanting in a just sense of self-respect, careless of its own privileges, wholly unmindful of the place which the constitution has assigned to it in the system, if it had received such a paper, and entered it on its journal, and thereby set a precedent of acquiescence in the pretension of the Executive to remonstrate against its proceedings.

As to the famous case of the Middlesex election, it is true that the resolutions of the House of Commons, in 1769, declaring that Mr. Wilkes, having been expelled from the House, was incapable of being elected to the same Parliament, and that Mr. Luttrel, who had received a comparatively small number of votes, was duly elected, was expunged from the journal in 1782. Mr. Fox, who had earnestly supported the resolutions of 1769, made, indeed, a faint opposition to the expunging of them—so faint, that he may be regarded as having acquiesced in it, and, in effect, given his consent to it; especially as he held a position in the House which would have enabled him to prevent the expunging, if he had had any care to do so. The precedent would have been in point to the present purpose of gentlemen, but for this little circumstance—that the House of Commons is not, as the Senate of the United States is, bound by a constitutional provision to keep a journal of its proceedings.

There is another case of expunging by the House of Commons worthy of particular attention, since we happen to have Lord Chatham's opinion upon it. In 1770, the Commons, considering the publication of accounts of their proceedings and debates a violation of their privileges, issued warrants for the apprehension of the offending printers. Some submitted; some evaded the process. One was arrested, and carried before Alderman Wilkes, who discharged the printer, and bound him to prosecute the person who apprehended him for an assault and false imprisonment. Another printer, being arrested by a messenger of the House of Commons, sent for a constable, and delivered the messenger into his custody; and both parties were carried before the Lord Mayor of London; the printer, I suppose, in the custody of the messenger, and the messenger in the custody of the constable. The Lord Mayor held the arrest of the printer, under the warrant of the House, illegal, and discharged him, and committed the messenger for illegal arrest and imprisonment, till he entered into a recognizance to appear and answer an indictment for the offence. This recognizance was entered in the book kept for the purpose; and as it was, in case of forfeiture, to be the foundation of a judicial proceeding, it was of the nature of a judicial record. The Commons, angry at this resistance of their authority, brought the Lord Mayor to their bar, and thought proper to wreak their vengeance upon the recognizance he had exacted of their messenger, by expunging it from the book in which it was written. Now, it happened that, not long after the proceedings against the printers, a motion was made in the House of Lords to expunge from its journal a resolution it had adopted, disclaiming all right to express any opinion on the proceedings of the Commons in the case of the Middlesex election; and this proposition to expunge the resolution of the Lords from the journal was earnestly supported by Lord Chatham in debate. But, in a speech he made about the same time, on a motion for an address to the King to dissolve the Parliament, speaking of the misdeeds of the House of Commons, he referred to their expunging of the recognizance, (which he justly regarded as a judicial record,) and said that it was the act of a mob, not of a Parliament. In his opinion, then, the Lords might expunge a resolution, previously adopted, from their own journal, which was kept only under authority of their own order; but when the Commons expunged a judicial record, which the law requires those intrusted with its custody to keep, he denounced it as the act of a mob. In what words would that great and virtuous statesman have described such an act as that now proposed to the Senate—the defacement of an entry from the journal of the proceedings of a legislative body, which the constitution of the country, superior to the law, expressly enjoined it to keep!

With respect to the case of expunction by the Legislature of Massachusetts, I have only to say that the journals of that body are only required to be kept by its own rules or usages, not by any constitutional provision. I am surprised that the proceeding in the Senate of Tennessee should have been referred to at all. That body, sitting as a court of impeachment, we are told, entered judgment of acquittal one day, and the next day, the court being not yet dissolved, expunged the entry. The case is precisely the same as if a jury bringing in a verdict are sent back to reconsider it, and, upon reconsideration, return a contrary verdict. Do not gentlemen know that the judgments of every court of justice are in its own breast during the whole term at which they are pronounced, and that that is the reason why the court is competent to alter, set aside, or cancel them at any time during the same term?

My colleague tells us that the House of Burgesses of Virginia expunged the last, and far the most important, of Mr. Henry's celebrated resolutions in 1765; and that the worthiest of our patriots concurred in the act. If that resolution was expunged, the precedent would be nothing to the purpose; because we know there was no constitutional provision requiring the colonial Legislature to keep journals of its proceedings. But though the fact is stated on the highest authority, I acknowledge, yet I cannot help thinking there may be some mistake about it. There is evidence, under Mr. Henry's own hand, that he was not aware that the resolution was expunged; and if it was expunged, all accounts agree that it was done in his absence. It is upon the strength of that very resolution that we have claimed for him the honor of having been the first to set the ball of the Revolution in motion. If the resolution was expunged, the House of Burgesses threw away the palm of glory which Mr. Henry might have won, and we of Virginia must concede it to James Otis and Massachusetts. It has hitherto been a subject of honorable contention between us.

My colleague, with a view to recommend the expunging process to especial favor, took the pains to explain to us that, in every instance which has been resorted to in the English Parliament, the purpose and the effect have been to vindicate some important principle of civil liberty. The warmth of his zeal prevented him from perceiving the contrast which the story of the proceeding we are engaged in will present to the world and to posterity. It is as striking as it is melancholy.

Thus, in the famous case of ship-money, the House of Lords vacated and cancelled the opinions of the judges, and the judgment against Mr. Hampden, in order to condemn and abrogate for ever a dangerous prerogative claimed by the Crown upon the strength of old precedents, to raise revenue for itself, without the consent or authority of Parliament; but the purpose of the proposition to expunge our resolution of March, 1834, from our journal, is, and its effect will be, to affirm and establish the executive prerogative claimed by the President, to exercise a complete control over the custody of the public treasure, and to give the use and profit of it, in the interval between the collection and disbursement, to persons of his own selection. We have seen, too, that the House of Lords, in the course of the ship-money transaction, passed a resolution condemning, in the strongest terms, the conduct of impeachable officers as illegal and unconstitutional—though an impeachment against one of them was actually pending, and impeachments against others, on the same grounds, were anticipated, which impeachments that House was the tribunal to try and determine—without incurring the blame of prejudging the cause of him who was accused, and of all that might be accused, of participation in the act declared illegal. But it is one of the main objects intended to be accomplished by expunging our resolution, to establish the doctrine that the judicial powers vested in the Senate by the constitution, instead of being an addition to, operate as a limitation upon, its legislative powers; and that the Senate cannot express an opinion against the legality of the measures of the President, or, by consequence, of any other impeachable officer, without exposing itself to the reproach of impeaching, trying, and condemning, without hearing, the officer who may, by possibility, be impeached.

The expunging of the proceedings and judgment of the House of Lords, in the case of Skinner against the East India Company, my colleague says, and says justly, was intended, (and, in fact, accomplished the object) to vindicate the common right of the subject to trial by jury in due course of law. And he counsels us to expunge our resolution, for the purpose of acknowledging and confirming the power of the President, without judge or jury, to take away the public deposites from the Bank of the United States, which the bank claimed by virtue of a contract, upon a charge alleged by himself of criminal conduct in the bank, which the President himself declared afforded just ground for a judicial proceeding against it, to revoke its charter.

The expunging of the protest of the tory lords in 1690 was designed to vindicate the principles of the glorious revolution of 1688, which finally established and confirmed to the people of England the blessings of civil liberty—the security of a Government of laws, as distinguished from a Government of will; and, pursuing that end, the whig lords expunged a protest which impugned the principles of the revolution, though the protesters had an undoubted right to enter their protest. The Senate of the United States is now to be condemned for refusing to receive, and insert in its journal, a protest of the President against its proceedings, who had no color of right to make any such protest; and the justice of the President's protest is to be acknowledged, by expunging from our journal the entry of the proceedings against which he protested.

The House of Commons expunged its resolution in the case of the Middlesex election, and thereby acknowledged the eligibility of all persons, not under some known legal incapacity, to a place in that House, and (what was infinitely more important) the right of the people to be represented by the man of their own choice. Our expungers have never thought of expunging the proceedings on the subject of the sedition law; a statute which invaded the constitutional rights of the people; which, in the almost unanimous opinion of the nation, uniformly maintained for thirty-five years, was plainly unconstitutional, and which, therefore, had its beginning in wrong. They only have recourse to the process of expunction in order to vindicate and confirm executive power.

I cannot, for my part, look at this contrast without mortification and alarm. The Parliament of England, professing monarchical principles, have exercised the power of expunging obnoxious proceedings, in order to establish principles in their nature truly republican. American Senators, professing (sincerely, I do not doubt) democratic republican principles, flushed with recent victory over their opponents, are endeavoring to apply this same process of expunction, in order to establish a power in the Executive which appears to my anxious mind monarchical prerogative. I do not impute the design to them—I do not, I cannot, suspect them of any such purpose. I am speaking only of the tendency and effect of the principles they are maintaining.

Here Mr. L. gave way for a motion to adjourn.

On the following day, Mr. Leigh resumed the debate. He said the principal purpose of the remarks he had addressed to the Senate yesterday was to show that the original manuscript journal of our proceedings was the journal which the constitution required us to keep; that the requisition to keep the journal imposed on us the duty to preserve it—to preserve it permanently and carefully, without defacement or mutilation; that no authority for expunging any entry from our journal could be found in English parliamentary precedents, or in those of any legislative body in America, whose duty to keep a journal was not imposed by a constitutional provision; and that, consequently, the Senate could not expunge the resolution of March, 1834, from the journal, in the literal sense of expunging, without a violation of the constitution. He had taken the more pains to establish this conclusion on grounds of irrefragable reason, because, in his opinion, it involved the whole question. It seemed to him, indeed, that the gentleman from Missouri and his colleague, both, thought so too; for they had exerted their faculties to the utmost to prove the right of the Senate to expunge, literally and absolutely, as an essential ground of the argument for expunging in the typical manner proposed. And he supposed it would be very hard for any man, who sincerely thought that the constitution forbade us to expunge literally, to reconcile it to reason or conscience to expunge typically.

For (said Mr. L.) granting it to be true that those who have a right to expunge and annihilate any written instrument or evidence, may do any thing short of actual expunction and destruction, which shall indicate the intent to expunge and destroy; those who have no right to expunge and annihilate the evidence of any particular transaction, have no right to declare their will to expunge and destroy it, in any form of words or action whatever, and to substitute such manifestation of their will in place of the act to which they are incompetent. To illustrate this: A testator has a right to cancel or destroy his own will, and if he run a single stroke of his pen across it, with intent to cancel it, or write "cancelled" in the margin, without actually cancelling it; or if he tear it, with intent to destroy, without actually destroying it, no doubt such an indication of his purpose is proper enough, and may stand for the act he might rightfully perform. But no one can cancel or destroy his own deed; and, therefore, if he happen to get it into his possession, he has no right to avoid the guilt, and yet accomplish the purpose, of destroying it, by any manner of defacement his ingenuity can devise. In sound morality, men may make an indication of their will stand for their act, if they have a right to do the act; but if the act be criminal or vicious, even the will to do it, without a single step towards the accomplishment of it, is not blameless. In the present case, sir, so entirely does the right to expunge the resolution in question from the journal, in the emblematical manner proposed, depend on the right to expunge it actually and literally, that, if we shall adopt this notable device for expunging it, this may and will be regarded as a precedent, in all future times, to justify an actual obliteration, mutilation, erasure, or other destruction of the journal, as to any obnoxious proceeding.

There is another objection to this scheme of typical expunction, which weighs much on my mind. I hold it the duty of every man to speak the simple truth on every occasion, without mental reservation or equivocation; and especially is this the duty of men acting or speaking in public stations, under the sanction of an official oath. Now, what is it that is proposed to us? Why, that we shall pass a resolution to expunge an entry from our original manuscript journal, by drawing black lines around it, and writing "expunged by order of the Senate" across it; and, in order to obviate a constitutional objection to any defacement of our journal, this is explained in argument to be no expunging at all, because it will leave the whole entry still perfectly legible; and more, that it will not be an expunction of the journal, for the original manuscript is not the journal. I mean no offence to any body, but I must say that, to my heart and understanding, this is exactly what is called an equivocation. I have taken it into my head, during the present session of Congress, to read Paschal's Provincial Letters, which I had not read before for thirty years; and whoever will take the trouble to look at the ninth letter, will find this doctrine of equivocations, as laid down by Filiutius and Sanchez, and the convenient uses to which it is applicable, fully explained.

But, sir, I presume it will not be affirmed by any gentleman that it is within the competency of the Senate, at this session, to exhaust the whole power of the Senate in all times to come, over this or any other subject; and yet the act which we are urged to commit will, in reality, have the effect of preventing the counteraction of any future Senate. Suppose we were literally to expunge the resolution of March, 1834, from the journal—to blot it out—how shall the Senate at a future session, entertaining a different opinion of the merits of the resolution, expunge the expunction? How shall it blot out the blots? Shall it erase them, and reinstate the words of the resolution? Then another obliteration at a subsequent session would effectualy prevent the possibility of ever afterwards replacing them on the journal, let the paper on which it is written be never so substantial. Suppose the typical process of expunging the entry shall be adopted and carried into execution; a succeeding Senate, entertaining different opinions, and following our example as to the manner of manifesting and enforcing them, must draw black lines around our black lines, and write a sentence of expunction across our sentence of expunction; and if the party character of the Senate shall afterwards again undergo a change, before the present party heats shall subside, the process may be reiterated. This would be farcical, to be sure; but public bodies, acting under the influence of strong party feelings, are often unmindful of their true dignity, and sometimes, sacrificing it to the indulgence of their resentments, incur the contempt and scorn they would bring upon others. I wish from my heart that the proceeding was only ludicrous. I hope and trust, most sincerely, that the example of this "avenging" process may never be followed; but I am most serious when I tell gentlemen that they are proposing to do what they have not the moral or legal power to do; they are vainly attempting to anticipate and prevent the judgment and action of their successors in all times to come, and to pass and execute final and irrevocable sentence of condemnation on the Senate of 1833-'34.

I cannot be so wanting in respect to the gentlemen who have so gravely and so earnestly recommended this typical expunging (which, they tell us, is really no expunction) of our resolution of March, 1834, from the original manuscript journal, (which, however, they say is not the journal of the Senate,) as to suppose that they have taken so much pains to accomplish an act which, in their own opinion, will be in itself absolutely vain and nugatory. And, therefore, I take it for granted that they intend, in the proceeding they propose—while they leave the verbal record of our resolution on the journal substantially unimpaired—to annihilate its efficacy; and this, in truth, upon the supposition that it is within our competency so to expunge the resolution, must be the legal effect of such an expunction. Now, let it be remembered that the duty enjoined upon the Senate by the constitution, to keep a journal of its proceedings, is equally applicable to all its proceedings, legislative, executive, and judicial; that if we are not bound to make and preserve a journal, fair and unimpaired, of our legislative transactions, so neither are we bound to keep the journals of our executive or judicial proceedings; that we have the same duty to perform, and have as large discretionary powers, in respect of one as of the others; that if we may expunge any one entry from the legislative journal, and thereby invalidate the act it records, we may expunge and invalidate any other; that exactly in the same manner and with the same effect that we may expunge and invalidate an entry on our legislative journal, we have a right to expunge and annihilate the legal efficacy of any entry on our executive or judicial journal. And then I ask gentlemen to give their serious and calm consideration to the consequences.

If the Senate may expunge, and by expunging (in any form or manner) invalidate the resolution in question, there is no good reason why it may not, in like manner, expunge and invalidate any entry of any other of its proceedings in its legislative capacity. Suppose, among the numerous private acts passed at the session of 1833-'34, there was one granting land, money, or any other property, to an individual, which, in the opinion of the Senate at the present session, was corruptly passed by the majority of the Senate at that session, (as a reward, for example, for partisan services,) and so had its beginning in wrong; or, suppose there was any act passed at that session, which the Senate at this shall deem unconstitutional, and for that reason impugn as having commenced in wrong, as gentlemen would have us impugn the resolution of March, 1834; it is just as much within the competency of the Senate now to order all its proceedings manifesting its assent to such acts to be expunged from the journal, as it is to expunge this resolution. He that shall hold that such acts would cease to be valid as laws, in consequence of the expunging from the journal of the evidence of their having been passed by the Senate, must admit the competency of the Senate alone, by the application of this expunging process, to invalidate, in effect, an act of the whole Legislature; and he that shall hold the laws valid, notwithstanding the expunging of the proceedings of the Senate upon them, must admit that the act of expunging is a mere nullity; in other words, that the Senate has no right to expunge. Then, with respect to our executive journal, (which it is not our course to publish so promptly as our legislative journal,) what would be the condition of a person nominated by the President to an office, and the nomination confirmed by the Senate, but the act of confirmation afterwards expunged by order of the Senate? Would he be an officer or not? If not, no man can feel perfectly safe in exercising the functions of any office depending on the appointment of the President, by and with the consent and advice of the Senate; or, the Senate may, without the concurrence of the President, remove the officer—expunge him from office. If, on the contrary, in spite of our expunging the confirmation of his appointment from our journal, he would still be entitled to his office, then our act of expunging the entry of confirmation is unauthorized and void. But the consequences are yet more glaring and enormous when we come to consider the possible application of this expunging process to the journal of our judicial proceedings. A man is impeached before the Senate of high crimes and misdemeanors, tried and convicted, and sentence of incapacitation for public office solemnly pronounced upon him; the court is dissolved: the Senate, afterwards, becoming convinced of the injustice of the judgment and sentence, order the entry of them to be expunged from the journal. If the Senate is really competent to invalidate the judgment by expunging it, his sentence is in effect reversed, and his incapacity removed; and, at any rate, if he shall be elected a member of the Senate while the expunging Senate is in power, he will be permitted to take his seat there. But suppose the accused acquitted, and the Senate, at a future day, honestly imputing the acquittal to partiality or corruption in the Senate that tried his cause, should order the judgment of acquittal to be expunged from the journal, and then a new prosecution should be commenced against him on the same charges; how could he have the benefit of that inestimable principle of justice so dear to the people of this land, that no man shall be twice brought in jeopardy for the same offence? how could he plead his former acquittal, and show the record of the fact? If the judgment should have been literally expunged from the journal, it would be impossible for him to make good his defence. And if it should have been typically expunged, and the record should be produced, with black lines drawn round it, ("black," as the gentleman from Missouri says, "black as the injustice,") and with the "avenging" sentence of expunction written across it, his doom, I apprehend, would be equally certain if it should be his hard fate to be arraigned before the same Senate that had thus expunged the former judgment of acquittal. Again I implore gentlemen to forbear. I pray God to put it in their hearts to pause, to reflect upon the consequences involved in the principle they are maintaining, and to spare our country the establishment of a precedent that may be alleged hereafter as an example and authority for wrongs like these.

But, to all appeals and all arguments of this kind, my colleague has one general, compendious, all-sufficing answer: that it is not fair to argue, from the possible abuses of a power, against the existence of the power. Did he not perceive that that remark, as he applies it, would equally serve as an answer to all objections to an assumption of any power whatever, which should be dangerous in itself, as well as unconstitutional? Or does he think that an unconstitutional power is less liable to abuse than a constitutional one? Sir, the argument I am urging against the proposition he has maintained is, that it involves other principles plainly unconstitutional; and I show the application of which it is susceptible to other uses of the same kind, in order to expose the inherent vice of the proposition itself. I have not been arguing from the abuses of this expunging process, but from the uses which the principle, if constitutional and just, would as well justify as the use to which it is now proposed to apply it. And no one, I should think, ought to be more sensible than my honorable colleague of the extent to which the authority of precedents may be strained; for he has given us a notable example of it himself, in the application he has made to his present purpose of the two instances of expunging that have been found in the proceedings of the Senate.

As to one of them, I have only to state it. Mr. Randolph, having received information of the death of Mr. Pinkney, announced it as a fact to the Senate; and the Senate, to testify its respect for the memory of a man who had once been so distinguished a member of its own body, immediately adjourned—expressing, of course, the reason of the adjournment, which was entered by the Secretary on his minutes. It turned out, however, that Mr. Pinkney was not yet dead; and, the next morning, when the journal was read, according to the rule, "to the end that any mistake might be corrected that had been made in the entries," the Senate ordered the entry stating the fact of Mr. Pinkney's death to be expunged from the journal. This was not, indeed, as my colleague says, a correction of a mistake of the Secretary in making the entry; but it was a correction of a mistake, in point of fact, into which Mr. Randolph had fallen, and had misled the Senate. Whether the correction was strictly within the rule of the Senate as to correcting mistaken entries in its journal, no one thought of inquiring at the time, and I shall not now stop to inquire: the correction was intended to be made in conformity with that rule of the Senate, for making up the journal, which the constitution requires the Senate to keep.

The other instance of expunging by the Senate is hardly more important in itself, but it calls for a more particular consideration. On the 21st of April, 1806, being the very last day of the session, it appears, by the rough minutes, taken at the table, that Mr. Adams presented two petitions of S. G. Ogden and W. Smith, and the first entry on the minutes in respect to them is, "read, and to lie;" then, "motions be rejected;" then, the words *be rejected* struck out with a pen, and, instead of them, "leave to withdraw" inserted. After this, there is an entry more in detail—that "Mr. Adams communicated two memorials from S. G. Ogden and W. S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led by the circumstance that their purpose was fully known to and approved by the executive Government of the United States," (the prosecution, we know, was for the part the memorialists had taken in Miranda's expedition,) complaining of such maltreatment by the district judge of the United States at New York, that the grand jury had made a presentment against the judge for it, and praying relief from Congress; and then the entry is, "on motion, ordered, that the memorialists have leave to withdraw their memorials, respectively." Finally, the last minute of the proceedings of this last day of the session was, "on motion that every thing in the journal relative to the memorials of S. G. Ogden and W. S. Smith be expunged therefrom, it passed in the affirmative, by yeas and nays, 13 to 8."* The adjoining order follows immediately. It has been said that all the republicans voted for, and the federalists against, the motion. How that is, I do not know. Now, the first remark that occurs is, that this is manifestly an expunction from the minutes, not from the journal; an order that, in making up the journal, those entries on the minutes should not be inserted. The next consideration is, that the reasons of the expunging nowhere appear; they are not stated in the proceeding itself, and, I understand, no notice of the transaction is to be found in the newspapers of the day. For aught that appears, the previous entries might have been expunged, because they did not truly state the fact when they represented that the memorials had been received, and leave given to withdraw them; and I have no doubt those entries did not truly state the real opinion of the Senate on the subject at the time the memorials were first presented. We all know how such things are done, especially during the hurry of a last day's session. The gentleman from Missouri thinks that the reason of expunging the entries concerning those memorials was, that they contained disrespectful imputations upon the Chief Magistrate and a judicial officer; in which his conjecture may be right, and I think it probable enough that it is. But, thirdly, the least attention to the circumstances of the transaction will suffice to convince every mind that hardly any thought was bestowed upon the expunging, as very little could have been given to the proceeding ordered to be expunged; that both probably passed *sub silentio;* that the constitutional question as to the right of the Senate to expunge any proceeding from its journal was not suggested, much less discussed. And is such a precedent of expunging as this—an expunction from the minutes of the Secretary, not from the journal made up by the Senate to be kept —founded on what reasons, no one knows, and none ever inquired—done in haste, and amidst the confusion of the last moments of an expiring session—ordered without discussion, and probably without a question made as to the constitutional propriety of the proceeding, so passed as to attract no attention, to elicit no investigation—is such a precedent to be gravely, much more triumphantly, quoted as an authority in this debate?

But suppose that vote of April, 1806, was (what it certainly was not) a deliberate expression of the opinion of the Senate on the very point, that the Senate may constitutionally exercise a discretion to expunge from its journal, at any time, the entry of any proceeding which it disapproves as irregular and unjust; it would only add another instance to the thousands with which all history abounds, of the truth of the common observation, that it is during the administration of the most popular Chief Magistrates that precedents dangerous to liberty are most to be apprehended, most to be deprecated, and most carefully to be avoided; not on account of any design on their part, or of vicious design in any quarter, but simply because confidence in them not only serves to give authority to their example, but disarms the public mind of that wholesome jealousy, that constant vigilance, which (as Mr. Jefferson has himself justly said) is the eternal price that men must pay for liberty. To do Mr. Jefferson justice, it must be remarked that there is not the least reason to believe that he approved, or even knew, of that expunging order of the Senate in April, 1806, much more counselled or wished it. Whether the present Chief Magistrate has taken any pains, or expressed any wish, for the accomplishment of the expunction now proposed, I do not know; though I could give a shrewd guess.

There was another precedent during Mr. Jefferson's administration, which I shall mention, to illustrate the wonderful power and influence of precedents in human affairs. In December, 1787, Mr. Jefferson wrote a letter to Mr. Madison on the subject of the present constitution of the United States, then recently framed, but not yet adopted; in which one of his chief objections to that instrument was the omission of a bill of rights, providing (among other things) for "jury trial" and "the eternal and unremitting force of the *habeas corpus* laws;" and he repeated the objection in letters to another correspondent afterwards. He was not then content with the provision of the constitution, (art. 1, sec. 9,) that "the privilege of the writ of *habeas corpus* shall not be suspended," (that is, even by Congress,) "unless when, in cases of rebellion or invasion, the public safety may require it"—he thought there ought to be "no suspensions of the *habeas corpus;*" for my part, I am content with the security provided by the constitution, if it shall be fairly observed. Now, in the winter of 1806-'7, General Wilkinson made a military arrest of three persons in New Orleans—Swartwout, Bolman, and Alexander, and sent them to Washington; and it was not until they had got here that they were discharged on a *habeas corpus* by the Supreme Court. They belonged not to the army; they were nowise amenable to martial law. As to the first two, there was reason to believe that they were implicated with Colonel Burr in his projects, whatever they were; for, to this day, the public is not informed what they were. But against Alexander no evidence of guilt, no ground of suspicion, that I remember, ever appeared; no colorable pretext was stated to the public for his arrest. Did Mr. Jefferson censure these illegal arrests, made by an officer subject to his absolute control? did he disapprove this violation of the personal security of the citizen, by military power? did he call the general to any account? did he order any inquiry? I only know that the President of the United States gave the general his countenance, approbation, and support; and the confidence of the public in the President's prudence and justice, and their detestation of the guilty schemes imputed to Colonel Burr, had the effect of exempting General Wilkinson from blame. And in September, 1810, Mr. Jefferson wrote a letter to a Mr. Colvin, in which he deliberately justified General Wilkinson's conduct, upon the ground of the necessity of the case, which, as he states it, was the oddest case of necessity that ever was imagined: the letter has been published by his grandson. The fact of his entertaining such an opinion was generally known, or at least reported at the time. The necessity of the case might (for aught that I know) have afforded an excuse for General Wilkinson's conduct—might have entitled him to pardon and indemnity; but it could not have afforded him any justification; and I say, before high Heaven, that if all the great and good men of the Revolution had signed that letter with Mr. Jefferson, I would still lift up my voice to protest against the dangerous unconstitutional doctrines it inculcates. There, then, was a precedent of military arrest, set even during Mr. Jefferson's administration, without being seriously questioned, and without exciting any jealousy or alarm in the public mind. And some few years afterwards, General Jackson, charged with the defence

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*Mr. LEIGH forgot to ask what those gentlemen would think of the authority of this precedent, who maintained the opinion that the Senate had no constitutional right to refuse to receive the memorials of the abolitionists, or any other petition not disrespectful to the Senate, or some member of it, or any petition, no matter what its character is.—*Note by Mr. L.*

of New Orleans against an invading army, improved upon the precedent; abrogated the privilege of the writ of *habeas corpus* for a time, proclaimed martial law, and turned the State Legislature out of doors. His conduct, too, may have been prudent, and founded in laudable motives; he, too, might have been entitled to complete indemnity; but he violated the constitution of his country—he suspended, for the time and place, the sacred principles of civil liberty. The glory of the victory of New Orleans justified all; and great glory there was, and great good accomplished for his country, I willingly acknowledge; though (by the way) in my opinion, his fame as a general rests more on his spirited and judicious attack upon the enemy on the 23d of December, than on his crowning victory of the 8th of January. Allow him the fullest meed of praise; still, the sense of that brilliant and most important public service, the gratitude it deserved, the admiration it excited, the glory it achieved for the general and the nation, ought not to have stifled our love and care for the constitution. He was entitled to honor and gratitude for the good he did, and to indemnity for any wrong he committed through necessity, and with virtuous motives; and that was the most. He knows nothing of the principles of the constitution, and nothing of the influence of dangerous precedents, who is willing that that conduct of General Jackson should be represented as justifiable. During the second administration of Lord Chatham, a proclamation was issued, under an apprehension of scarcity, prohibiting the exportation of corn, and thus suspending the statute law of the land; and he and Lord Camden, too, insisted that the proclamation was strictly justifiable. They supposed a necessity, (of which the King was to judge,) and, founded on that necessity, attributed to the Crown a legal power to suspend the operation of a statute, not given by the statute itself; and they even opposed an indemnifying bill. They incurred the reproaches of their warmest friends and admirers, for holding such language—the only language, perhaps, that ever fell from the lips of either, which offended against the general principles of civil liberty. Junius told Lord Camden that an Englishman "should not suffer dangerous precedents to be established because the circumstances are favorable or palliating;" that, "instead of asserting that the proclamation was legal, he should have said: I know the proclamation was illegal; but I advised it because it was indispensably necessary to save the kingdom from famine; and I submit myself to the justice and mercy of my country." And, sir, that is the true doctrine.

But General Jackson succeeded in establishing a second precedent in our history, of an unquestioned violation of the privilege of the writ of *habeas corpus*. And afterwards, again, in time of profound peace, at Pensacola, he established a third precedent of the same kind; and this again passed unquestioned; indeed, it was defended and justified, on the ground that the constitutional privilege of the writ of *habeas corpus* did not extend to the Territories of the United States. He has been since twice elected to the high office of Chief Magistrate of this great and free country; and if his admirers had been content with saying that the people have elected him because, in their estimate, his merits and services far outweigh his faults and errors, though I never have concurred, and never can concur in that opinion, I should not have adverted to the disagreeable topics I have now mentioned: but we are constantly told that the people have approved, justified, and sanctioned all his conduct. Since he has been in the administration of affairs, precedents favorable to the extension of executive power, to a degree that I had never imagined the possibility of, have been multiplied, and are multiplying. I look to the consequences with terror. God grant that I may be mistaken in my impressions of the past, and my forebodings of the future; but I must declare my opinion, that never did any republic make such rapid strides towards pure monarchy as we have done within these few years past. Saying this, let me be understood: I impute no such designs to any body, much less do I impute any inclination for monarchy to the great body of the people. I believe no republican people ever knowingly, and of purpose, gave up the blessings of free government; but in the heat of violent political contentions, the official agents of the people, and the people themselves, have but too often unwarily concurred in introducing and sanctioning principles of administration which, once put into operation, work with uncontrollable effect beside and beyond the original purpose and design, and, in the end, endanger the very being of the republic. And this, in my opinion, is what we have been and are now doing. The very confidence we have in ourselves, and in our institutions, as it stifles in the public mind that jealousy, vigilance, and care, so essential to security, is a principal source of our danger.

Well was it said the other day by the gentleman from South Carolina, [Mr. Calhoun,] that precedents apparently trivial are often of the utmost importance, because they may be applied, stretched, or perverted, to cases never apprehended or foreseen; and that precedents affecting constitutional questions are rarely resorted to as authority for the exercise of any but doubtful powers, for the plain reason that the authority of precedents is never necessary, unless the power they are wanted to sustain is doubtful. Witness the use now made of the two precedents of expunging, found in the proceedings of the Senate! Sir, we shall find it an eternal truth, that "there is no other course to be taken in a settled state, than a steady constant resolution never to give way so far as to make the least breach in the constitution, through which a million of abuses and encroachments will certainly in time force their way." I quote the words of Swift, a monarchist and tory to be sure, yet they are the words of political prudence and wisdom; they imbody the lessons and the warnings of experience, which the republicans of this country will do well to hearken to and remember.

And now, sir, I think myself well warranted in saying, that the expunging of the resolution of the Senate of the 28th of March, 1834, from the journal, literally or figuratively, is wholly irreconcilable with the constitution, upon any fair construction of its words; and that no authority for such expunction can be found in any precedent whatever, at all applicable to the purpose or entitled to the least weight. I think myself warranted in saying, too, that if the Senate shall adopt this proposition, and carry it into execution, it will set a precedent fraught with the most dangerous and pernicious consequences. But there was one position taken by the gentleman from Missouri, (which, indeed, I consider as the main ground of his argument,) so important in itself, that I have reserved it for a separate consideration.

I understand the gentleman to insist that it will not suffice to reverse, repeal, rescind, annul, or make void, the resolution of March, 1834, because "all these admit either a legal or an innocent beginning;" and that expunction is the proper remedy, because "that implies an original wrongful proceeding, which infers misconduct as well as error, and requires rebuke as well as reversal." And his leading argument to prove that the resolution began in wrong, is, that the Senate had no right to entertain and act upon such a resolution; that it was an act of a judicial nature, not belonging to us in our legislative capacity at all, and incompatible with our judicial functions and duties; that the resolution is an impeachment of the President of a high crime or misdemeanor, which the House of Representatives alone has the power to prefer; that we impeached the President, tried him without a hearing, prejudicated his cause, convicted him, and only abstained form passing sentence of incapacitation upon him. This argument was first suggested to my mind by a gentleman from New York, [Mr. WRIGHT,] in a speech in the debate on the resolution; and I then weighed it well. It was repeated in the President's protest against our proceedings, and in the debate which ensued; I re-examined it; I expected to hear it reiterated on this occasion; but if it be well considered, I am persuaded it will never be repeated again.

The resolution declares "that the President, in the late executive proceedings in relation to the revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." The words cannot be tortured into an allegation that the President wilfully assumed and exercised illegal and unconstitutional power; no criminal intent is charged, expressly or by implication; the language is (and was, in fact, intended to be) carefully confined to the acts of the President, without impugning or touching his motives at all. If this is not plain upon the face of the resolution itself, no argument can make it plainer.

The gentleman from Missouri, as if sensible that the resolution itself imported no criminal charge, has, in the preamble to the resolution he has now offered us, recited the resolution which was first proposed concerning the removal of the public deposites from the Bank of the United States, as a key, I suppose, to unlock the meaning of the resolution that was adopted; and, in his speech, he has referred to speeches made in the debate on the subject, in order to ascertain from them that criminal motives and design were intended to be imputed to the President. Sir, to my mind, the first resolution proposed, concerning the removal of the deposites, does not vary, in this particular, from the resolution that was finally adopted: there is no charge of criminal intent, no imputation on the President's motives, in the first any more than in the last. But suppose there were, with what color of reason or justice can the gentleman from Missouri, in order to ascertain the meaning of the language which the Senate used, have recourse to language which it did not use—resort to a resolution which the Senate did not adopt, to find a reason for reprobation of that which it did adopt? As to the speeches that were made on this floor, which, in the gentleman's apprehension, distinctly imputed wilful guilt to the President, I cannot take upon me to contradict him, for I was not then here, and did not hear them; the debate was drawing to a close when I took my seat in the Senate. I can only say that I read no reported speech containing any violent denunciations of guilt and crime, at all answering the description he has given. But here, again, I ask, what right has he thus to take the sentiments of particular members expressed in debate, as a certain exponent of the sentiments of every other Senator who, in the result, votes with him? Does he suppose that every gentleman who votes with him, on any question which he debates, enters into all the feelings, motives, and sentiments, adopt all arguments that influence his judgment and conduct, and makes them his own? But I recall the attention of the Senate to this singular method of detecting offence in the resolution of March, 1834, chiefly for the purpose of showing the manner in which it effects the freedom of speech in this body, and the reverential awe with which it supposes we ought to examine the official acts of the President. All proper decorum and respect ought to be preserved towards him, I agree—for his sake, for our sake, out of respect to the public—out of a just sense of the dignity of the Government: but shall those strong (if you please, too strong) expressions of disapprobation or censure which fall from gentlemen in the ardor of extemporary debate, which, perhaps, in cooler moments they would have left unsaid—shall these be treasured up in memory, and urged as a censure, not only against them, but all that vote with them upon the question in debate? What is this sanctity in the office of President of the United States, which all men should have for ever before their eyes, present in their thoughts, inviolable in their speech? No such sanctity hedges the impeachable ministers of the British Government. Lord Chatham once said, in the House of Lords, that the minister (the prime minister) had advised the King to tell a deliberate falsehood. The gentleman from Missouri says, "we have borrowed largely from our English ancestors; and, because we have so borrowed, results the precious and proud gratification that our America now ranks among the great and liberal Powers of the world;" and he traces our dearest institutions to English origin. I hope we have not forgotten to borrow from them freedom of parliamentary debate. That high encomium which the gentleman pronounced upon our English ancestors is just and true, and, therefore, I was pleased to hear it fall from his lips; but if it had come from me, it would have been regarded as a proof of my aristocracy; for it has often been imputed as aristocracy in me, that I make frequent reference to English history, (which, in truth, I have read more of than any other, but only because it has been more accessible to me;) that I have studied the history of the English Government and laws, and imagine that instruction may be found in them applicable to our own. I am content to bear the imputation; if the fact, without any criminal intent, constitutes guilt, I must be convicted: I know no method of acquiring a thorough knowledge of our own institutions, but by cultivating a knowledge of English institutions.

In all impeachments that I have ever seen, the facts of misconduct are specifically alleged, and some criminal intent, more or less heinous, expressly imputed to the accused. We have seen that in the articles of impeachment against Sir Robert Berkley, for his extrajudicial opinions, and his concurrence in the judgment against Mr. Hampden, in the case of ship-money, the opinions and the judgment are set out at large; the fact that he gave them, and the gross illegality of them, are distinctly alleged; and then it is charged that all those "words, opinions, and actions, were so done and spoken by the said Sir Robert Berkley, traitorously and wickedly, to alienate the hearts of his Majesty's liege people from him, and to set a division betwixt them, and to subvert the fundamental laws and established Government of his Majesty's realm of England." And whoever will search the numerous precedents of articles of impeachment in England, I will answer for it that he will find this precedent substantially complied with, in charging the facts and laying the criminal intent. The gentleman from Missouri says that no criminal intent is charged in three of the articles of impeachment against Judge Chase, and (as I understand him) in one of the articles against Judge Pickering. The gentleman is certainly mistaken. The criminal intent is distinctly charged in all of the eight acticles against Judge Chase except one; that, namely in which it is alleged that, in Callender's case, he did not conform with a statute of Virginia regulating the process in prosecutions for misdemeanor. That article alleges the departure from the law, but omits to allege that he did so wilfully, or even that he was aware of the provisions of the statute; and upon that charge he was, of course, unanimously acquitted. The article of impeachment against Judge Pickering, in which the gentleman supposes no criminal intent was laid, imputes to the judge the grossest intemperance and indecency in the judgment seat; nor could the criminality of such conduct (than which hardly any official misconduct could be more clearly criminal, however it might be more heinous) have been more strongly and expressly charged. He was convicted upon this charge. The gentleman says that, in fact, the judge was insane, and was incapable of crime. How the gentleman got his information I do not know, he certainly did not get it from the record. [Here Mr. Leigh referred to the record of the impeachments and trials of Judge Pickering and Judge Chase, in the journals of the Senate, and showed the exact state of the facts.]

The resolution of the 28th of March, 1834, declares that the President's conduct in relation to the revenue was illegal and unconstitutional, without more. Gentlemen say that the fact alleged implies crime; that it implies a violation of his official oath "to preserve, protect, and defend the constitution of the United States." Now, in the first place, let us advert once more to the proceedings in the ship-money case, which my colleague has quoted with so much approbation, where the House of Lords declared the extra-judicial opinions of the judges, and the judgment against Mr. Hampden, illegal and unconstitutional, in the strongest terms, without imagining that that declaration was a prejudication of the impeachment against one of the judges then pending, which the Lords, as the high court of impeachment, were to try; in other words, that it did not occur to them that the fact of extra-judicial illegal conduct implied crime. In the next place, let me ask gentlemen whether they suppose that, in maintaining that this expunging process, they are so intent upon, is unconstitutional; in declaring my opinion (as I do most conscientiously) that it is a plain violation of the constitution, I mean to charge them with a wilful violation of the constitution, and of their official oaths? I know mankind too well. It has been said that, if men's passions could be made to enter into the question, they would differ and dispute upon the plainest proposition in Euclid; and there is no passion so apt and so potential to influence and determine the judgments of public men as party spirit. Gentlemen, in both Houses of Congress, are daily alleging that measures strenuously maintained by others are unconstitutional, plainly unconstitutional; yet no one ever thinks of giving or taking offence, which, surely, all would do if they thought that to allege unconstitutional conduct is to charge wilful guilt. The President has often put his veto on acts passed by both Houses of Congress, on the ground that he thought them unconstitutional. I can hardly believe that he meant to charge the majority of both Houses with an intentional violation of the constitution and breach of their official oaths. I have heard the judgments of the Supreme Court publicly impugned, as being contrary to the constitution. I have heard Chief Justice Marshall's opinions so impugned by men who entertained the highest respect for his abilities and integrity, and would have considered it a reproach to themselves if they had been gravely told that they imputed to the court a wilful departure from right, truth, and justice. Sir, there is but one hypothesis upon which the allegation made in the resolution of March, 1834, that the President's conduct was illegal and unconstitutional, can imply crime, and that is, that his judgment is infallible, and that it is morally impossible for him to do an illegal and unconstitutional act, through error of judgment. That is very far from my opinion. There is no man whose judgment I should esteem infallible on such a subject, and the President is one of the last men to whom I should attribute any such infallibility. And, though I believed at the time I gave my vote on the resolution of March, 1834, that the conduct of the President therein referred to was illegal and unconstitutional, and though that is still, and probably will always continue to be, my firm, undoubting opinion, I have no hesitation in saying that, if the President had been regularly impeached for that conduct, and I had been called upon to decide his cause as one of his judges, upon all the evidence then (or, indeed, yet) known to me, touching the motives of his conduct, my voice must have been for his acquittal. I could not have found the wilful criminal intent essential to constitute guilt.

The gentleman from Missouri loudly reprobates the resolution in question, on the ground that its allegations are vague and indefinite; not perceiving that that very circumstance furnishes the strongest proof that criminal accusation was not made or intended. The idea of impeaching the President of crime or misdemeanor never entered into the thoughts of any Senator who voted for the resolution; and there was not a human being, I am quite sure, who so much as imagined the possibility of an act of impeachment by the House of Representatives; the case of such impeachment was only supposed in argument, never apprehended in fact.

It is said that the resolution of March, 1834, cannot be regarded as a proceeding in our legislative capacity; and, in proof of this, it has been observed that no legislative measure was founded upon it, and that none was intended. This appears to my mind the most gratuitous assumption that ever was made. It was the opinion of the mover in those proceedings, that the public deposites, at least of the revenue which should afterwards accrue, ought to be restored to the Bank of the United States; and it was proper to ascertain the sense of the Senate on the question, whether (for the reasons assigned by the Executive) they had been constitutionally and legally withdrawn or not; for, if the Senate had held the affirmative on that point, it would have been vain and idle to prepare and bring in a bill for the purpose. The course pursued is usual in all legislative bodies. As it was, I have not the least doubt that the known state of opinion in the House of Representatives upon the subject alone prevented the Senate from passing a bill for the restoration of the deposites. The Senate did take measures, some time after, to ascertain the sense of the House: on the 4th of June, 1834, it passed a joint resolution directing the deposite of the public moneys to be made with the Bank of the United States and its branches. The House never acted upon it.

But let us examine more closely the reason and foundation of this opinion, that the Senate cannot, in its legislative capacity, discuss and determine upon the constitutionality or legality of any act of the President; and let us see, too, the extent of the principle. It is supposed that the judicial power vested in the Senate, as the court for the trial of impeachments, operates as a limitation upon the action of the Senate in its legislative capacity; that the Senate cannot, in its legislative capacity, express any opinion impugning the constitutionality or legality of any official act of the President, because it may be called upon to decide the same question judicially, upon an impeachment against him for the same act. Now, it is obvious that if the Senate is, for this reason, incompetent to pass any resolution impugning the conduct of the President as unconstitutional, neither is it competent to pass a resolution approving his conduct as constitutional and proper; for it can be no more within the competency of the Senate to prejudge the President's cause, and acquit him, than to prejudge and condemn. Partiality in judges towards the accused is as vicious as prejudice against him. Nay, more: it is the duty of every Senator to avoid the forming, and expression of, an opinion on the constitutionality of the President's conduct; to close his mind against all information on the subject; to hold his judgment in suspense. Nor is this all. The Senate and House of Representatives are made by the constitution co-ordinate branches of the Legislature, and their legislative powers are co-equal, too, with the single exception that money bills can only be originated in the House; and then a distinct judicial function is assigned to each. The House is the grand inquest of the nation to accuse and impeach; the Senate is the court to try and determine. As to all matters of criminal accusation and impeachment, the action of the House is just as much judicial in its nature as the action of the Senate; the only difference is, that their judicial functions are different. If the Senate, in its legislative capacity, is incompetent to examine the constitutionality of the President's conduct, and express its opinion upon it, the House, also, in its legislative capacity, is incompetent to do so.

If, therefore, the President shall, upon any occasion, adopt any measure questionable on constitutional grounds, no matter how mischievous the measure may be in its operation--no matter how urgent the necessity for prompt and decisive legislative action, to correct the procedure and arrest the progress of the evil—neither branch of the Legislature can examine, or even inquire into, the subject in its legislative character, much more pass an act to remedy the mischief. The House of Representatives must first resolve itself into a grand inquest; examine the President's conduct in that character; impeach him, if it find just cause for impeachment; prosecute him before the Senate, and prosecute him to conviction by the judgment of two-thirds of the Senators sitting on the trial; and then, and not till then, the two Houses may set about devising measures to counteract the unconstitutional and illegal measures of the Executive. And furthermore, as the Senate cannot convict the President, without being satisfied in its conscientious judgment that his unconstitutional proceedings are justly imputable to criminal motives and designs, no unconstitutional acts of the President can be corrected by any legislative measures of Congress, if the President's violation of the constitution and laws shall appear to be justly imputable to an innocent error of judgment as to the extent of his own powers—an error into which (of all others that can be conceived) men in power are most apt to fall. Meanwhile, the measures of the Executive continue in operation, and perhaps work their full effect, unchecked, unembarrassed, by any manner of counteraction which the Legislature can constitutionally devise and provide. Sir, if this doctrine that the Senate, and, by parity of reasoning, the House of Representatives also, are incompetent, in their legislative capacity, to examine and determine upon the constitutionality or legality of executive acts, shall be established, then I say that the Executive is, really and truly, the Government, and the whole Government; that the President is, in every practical view, absolutely irresponsible; that he is a more absolute potentate than any prince, king, or emperor, in Europe, except, perhaps, the autocrat of all the Russias, and the grand seignior of Turkey. And this process of expunction of our resolution of March, 1834, is to be resorted to on the supposition that this doctrine is just and true, and to establish it as a constitutional principle of this federal republican Government!

During the same session of 1833-'34, at which the resolution concerning the President's conduct in relation to the revenue was adopted, there was an inquiry into the state of the Post Office Department, and the administration of its affairs by the then Postmaster General, Mr. Barry; and that proceeding of the Senate resulted in the following resolution, passed on the 27th June, 1834: "That it is proved and admitted that large sums of money had been borrowed at different banks by the Postmaster General, in order to make up the deficiency of the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void." This was at least as strong a condemnation of the conduct of the Postmaster General as the resolution concerning the conduct of the President in relation to the public revenue contained. I should certainly have voted for it myself, had I been in my place at the time, because the proposition it asserted was true in fact, and just in law; but, in giving that vote, I should not have been influenced by any opinion that the illegal conduct of the Postmaster General was imputable to criminal motives and designs. Enough had appeared to satisfy my mind that the grossest abuses and corruptions had crept into the administration of the Department; enough to convince me that Mr. Barry was wholly unfit for his office; but the very circumstance of his unfitness, and much more besides, that came to my knowledge, inclined me to take a charitable view of his conduct and character; and I more than once publicly intimated this sentiment. And, now that he has gone to his grave, I find a real pleasure in saying that I saw no evidence to implicate him in any intentional guilt. The resolution concerning his conduct was adopted by the unanimous votes of the Senators present. It is manifestly upon its face liable to exactly the same objection now made to the resolution of March, 1834; namely, that it imported a criminal charge against the Postmaster General, an impeachable officer; and, therefore, it was not within the competency of the Senate in its legislative capacity to entertain and act upon it. The gentleman from Missouri voted for it; and, to avoid the charge of inconsistency, he now says, the "proceeding against Mr. Barry was objected to, and that in the first stages of it, upon the same grounds on which we now stand in the case of the President," (and of this he adduces proof,) "and the vote which was given by me and my friends was a vote forced on us by the majority of the Senate, and, being so forced upon us, was given, as we believed, according to the truth and the fact. I well recollect that vote, and the conversation among us to which it gave rise. Some thought we should vote against it, on the ground that the proceeding was unconstitutional, and that a vote in its favor would commit us on that point; others, of whom I was one, objected to the negative vote, because it would be against evidence, and would subject us to the imputation of voting as partisans and not as Senators, and because a negative vote admitted the jurisdiction just as much as an affirmative one."

Now, I ask, if a negative vote admitted the jurisdiction just as much as an affirmative one, in Mr. Barry's case, how is it that the negative vote which the gentleman gave in the President's case had no effect to admit the jurisdiction of the Senate to entertain and pass the resolution of March, 1834? But this may be thought an *argumentum ad hominem,* which is never quite fair. I am afraid myself that it is not fair; because, though this is one reason which the gentleman assigns for his course, it is not the only reason; and because he has vindicated his general consistency in relation to this question, by showing that he maintained the same opinion he now contends for in February, 1831. I did not myself perceive the inconsistency between the vote against the resolution of the 28th March, 1834, and the vote for that of the 27th June, until it was pointed out to me; and my impression was, that it might be accounted for by the hurry of business when the last vote was given, and the little importance of the subject of that vote, compared with the vast importance of the subject of the first; so that the principle involved escaped attention when the last resolution was adopted. The only question at all material is, whether the opinion the gentleman now advances concerning Mr. Barry's case is right or wrong. I have no wish or care to convict the gentleman of inconsistency, nor was that my purpose in adverting to this topic. My purpose lies much deeper. I pray the Senate to observe that it is now admitted, nay, contended, that the same principle which should interdict the Senate, in its legislative capacity, from examining and determining on the constitutionality of the acts of the President, should interdict it also from examining and determining on the acts of every impeachable executive officer; and then all the consequences follow: the unconstitutional acts of all executive officers can only be examined by the House of Representatives, in its judicial character, as the grand inquest of the nation; can only be examined by the Senate, in its judicial character, as a court of impeachment; can never be corrected by legislative action, until the impeachment is determined; cannot be corrected even then, if the Senate, convinced of the innocence of the accused of all criminal motive and intent, should feel itself bound in conscience to acquit him of guilt; and meantime the unconstitutional measure will have been in full operation. And thus this process of expunction will have the effect of establishing a principle vitally affecting the competency of the two Houses of Congress in their legislative character; and a principle that will protect not only the unconstitutional acts of the President, but those of all his subordinate executive officers, from legislative inquiry, examination, counteraction, and correction.

I shall not now enter upon a discussion of the question whether it was true, in point of fact and in point of law, as the resolution of March, 1834, declared, that the President's proceedings therein referred to were illegal and unconstitutional; because, supposing that declaration not just and true, yet, if the Senate had competency to act upon the subject, its action did not begin in wrong; and the remedy is to correct our error by rescinding, not by expunging, the resolution. Surely, the present majority of the Senate are not going the length of expunging every proceeding of the then majority which it shall consider erroneous in principle and in fact. The question of the competency of the Senate to pass the resolution of March, 1834, lies at the bottom of the argument of the gentleman from Missouri in support of his motion to expunge, in preference to rescinding. That question I have now discussed. I wish to confine myself to what affects the question of expunging only. If a motion shall be made to rescind, though I shall have no new argument of my own to offer, I may find it my duty to recapitulate the conclusive arguments of others to show that the resolution of March, 1834, is just and true in all respects, and that the principle it asserts is essential to the maintenance of our free institutions.

The gentleman from Missouri said that to "expunge is a severe remedy, but it is a just one. It reflects reproach; but the fault is not ours, but of those who compelled us to it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the democracy of America. Let us give it to the aged sire, that he may hand it down to his heir; to the matron, that she may deliver it to her manly son; to the young mother, that she may teach her infant babe to suck in the avenging word *expunge*, with the life-sustaining milk which it draws from her bosom." As to that young mother who shall be willing to mix the bitterness of that "avenging word *expunge*," or any other vengeance, with the milk which, with the sweetness of maternal love, she should minister to her babe, it is to be hoped she will have no more offspring; and if the unhappy babe shall suck the spirit of vengeance with his mother's milk, what deeds he may perform in his mature manhood it is revolting to reflect. But none of the young mothers are going to take this advice; that I am sure of. And if the democracy of America shall be willing to accept the legacy which the gentleman from Missouri is so bountifully desirous of bequeathing to them, and to improve it to the degree of which it is susceptible, I fear some future advocate of monarchy may find cause to remember and apply to us the contemptuous language which the toryism of Swift has applied to all democratic States: "that a usurping populace is its own dupe; a mere underworker, and a purchaser in trust for some single tyrant, whose state and power they advance to their own ruin, with as blind an instinct as those worms that die with weaving magnificent habits for beings of a nature superior to their own." And, sir, I venture to warn my countrymen that, if they would avoid the reproach of being dupes, they must never indulge the vain-glorious imagination that they are incapable of being deluded; that they must distrust and watch their agents, distrust and watch themselves, watch over their constitution, their laws, and especially their public treasure, upon which the rights they so dearly value essentially depend.

Before Mr. Leigh had finished his speech, at about twenty minutes before 4 o'clock, he gave way, and

Mr. MANGUM moved to adjourn, but withdrew the motion; and the subject being informally laid on the table,

The Senate, on motion of Mr. WHITE, proceeded to the consideration of executive business; and, after remaining for some time with closed doors,

The Senate adjourned.

Tuesday, April 5.

BULLION FOR THE MINT.

Agreeably to the notice which he had given, Mr. BENTON asked leave to bring in his bill for the better supply of the mint with bullion and metals for coining. Not being a member of the Finance Committee, to which the bill would be referred, Mr. B. said he must claim the indulgence of the Senate to state the reasons which induced him to bring it forward. It was framed, he said, upon the supposition that the mint was not adequately supplied with bullion and metals for coining, and that it was necessary to take legislative measures to ensure its better supply. Both these suppositions were realities, and he had taken care to provide himself with evidence to that effect. He had two letters from the director of the mint, which he would send to the committee with the bill, and which would verify the statements which he made. These letters showed the present capacity of the mint to be equal to the coinage of a million a month, or twelve millions per annum, the coinage to consist of gold and silver and the usual proportions of small coins; and they also showed the coinage of the last year to be about five millions and a half of dollars—that is to say, about half as much as the mint could have done if adequately supplied with bullion. But the letters also state that improvements were now in progress by which steam power would be substituted for manual labor in several parts of the machinery, and the effect of which would be to increase the capacity of the mint three fold—that is to say, to make it equal to three millions a month, or thirty-six millions per annum. When these improvements were completed, and a part of them were already in operation, the mint, unless better supplied, would have stood idle five sixths of its time, as it could execute in two months the whole coinage of the last year. This, said Mr. B., must doubtless result from some great fault in our legislation, and naturally leads to the inquiry, How is the mint now supplied with bullion and metals for coining? Pursuing this inquiry, he found that the great business of supplying this national establishment was virtually devolved upon individuals and upon banks; and that these individuals and banks were charged a tax of one half of one per centum on the amount coined, either in a direct charge, or in a delay equivalent in loss of interest to the same amount. This, he said, accounted for the lamentable result, that in forty years our coinage had amounted to no more than forty millions; that our mint was but half supplied now, and would soon be not one fifth supplied. Such a result was incompatible with the idea of establishing a mint and of creating a specie currency; and he had been led to pursue the inquiry further, and to ascertain whether it could ever have been the intention of the founders of the mint that that institution was to be thrown upon individuals and corporations, and they discouraged by a tax, for the means of supplying a national coinage? Looking into the early laws, he found the answer which the reason and propriety of the case required to exist; he found that it had never been intended that the mint was to be limited to these precarious sources of supply, but that the national revenues were made a resource by law for that purpose. He found in the act of 1793, sec. 3, this provision: All foreign gold and silver coins, except Spanish milled dollars, and parts of such dollars, which shall be received in payment for moneys due the United States, after the said time when the coinage of gold and silver shall begin at the mint of the United States, shall, previously to their being issued in circulation, be coined anew, in conformity to the act establishing the mint, &c. This, said Mr. B., establishes the intention of the founders of the mint. That intention was to make the United States the supplier of bullion to the mint, and to devote the revenues of the Union to that object. The effect of this law, Mr. B. said, at the time it was enacted, was expected to be great and decisive, for the act of 1789, forbidding any thing but gold and silver to be received on account of the United States, was then in force. No bank notes were then receivable for public dues; so that the revenues, and these revenues in specie, were intended to pass through the mint, and a full and perfect new coinage to be kept up. But this law soon lost its entire force, and has remained for forty years a dead letter on the statute book. The Bank of the United States was chartered, and its notes became receivable in lieu of coin; State banks began to grow up, and their paper also to be received; and eventually all the public moneys came to be deposited in banks, instead of any part going to the mint; and this is the state of things at present. The deposite banks receive all the revenue; and whatever coin they receive is considered as their own, and there is nothing for the act of 1793 to operate upon.

This exposition of the evil, continued Mr. B., is in itself an indication of the remedy. The remedy lies in the repeal of the half per cent. tax on coinage, and in reviving and carrying into effect the original intent of the founders of the mint, to make the revenues of the Union the main source of supply to that establishment. For this purpose he had drawn up the bill, which he proposed to bring in, and would say but a word in support of the two provisions which it contained.

First. As to the repeal of the tax and the abolition of the charge for refining. The amount of the tax could be no object to the Government, while it was a serious consideration to the depositor, and no doubt often prevented deposites for coinage from being made. It might have been justifiable when the mint was first established, and the national treasury was empty, but could have no apology now, especially with those who were intent upon re-establishing the currency of the constitution.

Second. As to coining the revenues.

This must have a good effect in a great variety of ways.

1. The revenues of the Union are now received in paper, and there is little or no national check upon the amount of this paper received. Its transfer to the mint will supply a check, and that a serious one; for even now a million a month of the revenues might be sent to the mint; and, with the improvements going on, and the completion of the branch mints, the whole amount of the annual revenue, if necessary, might be coined anew, for the minting establishments will be sufficient to coin forty millions, at least, per annum.

2. It will keep the mint fully supplied, and will furnish the Union with a perfect and beautiful coinage, by coining up all foreign coins, and all domestic ones which become imperfect by wear or by fraudulent diminution.

3. It will put the coinage under the direction of the Government, which can then direct the denominations to be coined, and can supply the country with small change. At present the banks and individuals chiefly direct the denominations which suit themselves, and those are half eagles and half dollars; but the interest of the country, the convenience of the people, and the cultivation of a beneficial spirit of economy in small dealings, requires a great coinage of small change.

4. The transfer of part of the revenues to the mint for coinage will show their capacity to become depositories, with a few additional branch mints, for the public moneys, and thus let the banks see that the United States are not dependent upon them for keeping the public moneys, and are in a condition to dictate terms, or to cut the connexion with all banking establishments.

5. It would cause the present surplus revenue to take the solid and substantial form of coin, instead of remaining a light and volatile mass of paper.

Mr. B. concluded what he had to say at present, with remarking that the return to a constitutional currency was a work of many steps, and that one step was to supply the mints with metals for coinage, and this was the step which he now proposed to take.

The bill was then read twice, and referred to the Committee on Finance.

NEW YORK SUFFERERS.

A bill was received from the House, amendatory of the act for the relief of the sufferers by fire in New York.

Mr. **DAVIS** stated that it was necessary to pass this bill at once, owing to a misconstruction of the bill which had been previously passed by the collector, who had construed it as extending its benefits to all bonds up to the day of the passage of the bill.

The bill was then, without opposition, read a first and second time, considered as in Committee of the Whole, read a third time, and passed.

EXPUNGING RESOLUTION.

The Senate proceeded to consider the expunging resolution offered by Mr. BENTON.

Mr. **LEIGH** resumed and continued his observations, as given entire in preceding pages.

After Mr. LEIGH concluded his speech,

On motion of Mr. **BENTON**, the resolution was laid on the table, and ordered to be printed.

INCENDIARY PUBLICATIONS.

Mr. **CALHOUN** moved to postpone the orders preceding the bill to prevent the circulation of incendiary publications, and to take up that bill; which motion was agreed to.

The bill was then read; when Mr. **WHITE** expressed a wish to go into the consideration of executive business; and a motion to that effect was agreed to.

The Senate then proceeded to the consideration of executive business; after which the Senate adjourned.

Wednesday, April 6.

INCENDIARY PUBLICATIONS.

The bill to prevent the circulation through the mails of incendiary publications was taken up as the special order.

Mr. CALHOUN briefly explained the provisions of the bill, and moved to fill up the first blank with $100, and the second blank with $1,000; which motion was agreed to.

[These sums apply to the penalty imposed on the deputy postmasters for a violation of the law, being a fine of not less than $100, and not more than $1,000.]

Mr. DAVIS said this was a very important bill, and ought not to be acted on without some deliberation. He had hoped some gentleman would have been prepared to deliver his views at length upon it. As for himself, he was not now prepared to speak on it. He would move to postpone it for the present.

Mr. GRUNDY observed that he had lately turned his attention to the subject, and approved of the principles of the bill though he did not think it altogether calculated to effect the objects it had in view. If the gentleman from South Carolina would consent to a postponement for two or three days, he should then be prepared to offer some amendments that he thought would be satisfactory to the gentleman, and would answer the purpose intended; his duties in the committee of which he was chairman preventing him from attending to the subject sooner. Mr. G., after further consideration, and a suggestion from Mr. Calhoun, assented to the postponement till to-morrow, and the bill was accordingly so postponed.

Mr. DAVIS did not know that he would or would not address the Senate on the subject, but if he did he should want it laid over longer than till to-morrow.

REVOLUTIONARY PENSIONS.

On motion of **Mr. WRIGHT**, the Senate took up the bill making appropriations for the payment of the revolutionary and other pensioners of the Government for the year 1836; the question being on the following amendment, submitted by Mr. Benton:

"Sec. —. *And be it further enacted,* That no bank note of less denomination than twenty dollars shall hereafter be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note, of any other denomination, be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him."

Mr. NILES submitted the following amendment to the amendment:

"That hereafter no bank note of less denomination than ten dollars, and that from and after the third day of March, A. D. 1837, no bank note of less denomination than twenty dollars, shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note, of any denomination, be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him."

Mr. N., after submitting his amendment, explained at some length the nature and effect of it. He said, in the present state of things, the amendment of the gentleman from Missouri [Mr. Benton] might operate too suddenly, and in effect produce a sort of panic; and he had offered his amendment with a view to give more time, and to effect the object more gradually.

Mr. WHITE approved most highly of the objects of the bill, but thought, if there was any defect in it, it consisted in there being no penalty imposed on the officers or agents of the Government for disobeying the law.

Mr. BENTON most cordially concurred with the Senator from Tennessee. He had turned over the subject in his own mind, and had not inserted a penalty in the bill, partly because he was unwilling to embarrass a measure which he had so much at heart, and partly because he knew that the officers of the army would be subject to the rules and articles of war if they disobeyed the injunctions of the bill, for its provisions would be sent to them with instructions from the War Department. But he was heartily willing, and would warmly and cordially concur in inserting the penalty that the disobedience of the officer shall be followed by a dismissal from the service. He knew that great oppressions had been practised by officers on laborers and others who could not help themselves. The main stress of the amendment, said Mr. B., lies in the last clause of the amendment, that is, in making our mark at $20, and which goes to cut off every bank note which is not payable in gold and silver upon the spot. This would be of incalculable benefit to the soldier who could not leave his post to get uncurrent paper exchanged. Gentlemen might say that this amendment was to carry gold and silver to the soldiers. He said, God grant that it might. The largest payments to the army were made in the West; and there were three paymasters there, Major Massias, Major Stewart, and Major Harney, who determined to carry nothing to the soldiers but gold and silver, and that equivalent to it; and they did carry it, and the beneficial effects were soon discovered. The largest sum that was carried was carried by Major Harney. He carried about $40,000, $10,000 of which was in gold, and he did it without any expense to the United States. All he had to do was to make a requisition on the next military post for baggage wagons and a guard; and he was informed by that officer that there was a general rejoicing in the camp when he arrived there with the money. There was but one rueful countenance to be seen, and that was of the sutler, who complained that, if that practice was continued, he would be ruined; that formerly, when payments were made to the soldiers, they rushed to him in crowds, with their bank notes; but that now they would keep the gold and silver, instead of spending it in drink and other superfluities. He believed that under this provision nothing but gold and silver would be carried to the outer military posts. If the Senator from Tennessee would suggest an amendment to suit his views, he would heartily concur in it.

Mr. WHITE spoke in favor of pensions being paid in specie, and that it was of more importance that their interests should be subserved in this matter than even the soldiers of the army. That class of them who received their forty-eight dollars were, of all things, most glad to receive the specie. He was, on the whole, content with the amendment of the Senator from Connecticut, [Mr. Niles.]

The question was here taken on Mr. Niles's amendment, and it was adopted: Yeas 22, nays 13, as follows:

Yeas—Messrs. Benton, Brown, Calhoun, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Leigh, Linn, McKean, Morris, Nicholas, Niles, Porter, Robinson, Ruggles, Shepley, Tomlinson, Walker, White, Wright—22.

Nays--Messrs. Black, Clay, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Mangum, Moore, Naudain, Prentiss, Robbins, Swift—13.

Mr. CLAY thought it worthy of serious consideration whether it would not be better to leave the matter as it now stood, as, under the present laws, the creditors of the Government were bound to take nothing but gold and silver in payment. It was worthy of consideration whether the passing this amendment would not be giving an implied sanction to the reception, by the officers of Government, of bank notes of every description.

Mr. BENTON observed that the subject of receiving and disbursing the revenues of the United States had occupied the attention of all; it certainly had occupied his attention; and, after spending years in thinking about it, he had come to the conclusion that there was but one safe course for the United States to pursue, and that was, to return to gold and silver for the treasury. He had been of that mind for years past; and had made the rough draft of a bill to accomplish that object; the only difficulty was to arrange the times, so as to enable the Government to cut loose from bank paper without giving a shock to the community. It was a lamentable circumstance that the federal Government, while receiving the depreciated currency of the States, was able, at the passage of the very first revenue law, and at the first session of its Legislature, to declare that gold and silver only should be received in payment, and that they were not now able to do it without producing a convulsion, so much had they become entangled in the paper system. Now, the little amendment which he had offered to the appropriation bill was only the commencement of a system which he hoped to see carried out; and the rough bill he had drawn out was to take up and carry on the system thus commenced. While they were complaining of the States for the sanctioning the inordinate increase of banking capital, it was lamentable that this was owing to the fault of the federal Government in receiving these notes to the extent they did, and paying them out to the public creditors. It was by this means that a fictitious credit was given to them; it was by this means that they got the money of the United States to bank on; and it was by this means that a piece of worthless paper with a little lampblack on it, and made at Passamaquoddy, and called five dollars, was made to pass at Attakapas, because it was receivable in payment for public lands. He saw it announced in the New Orleans papers, that a Mr. Armand had, in the Louisiana Legislature, proposed, in bitter irony, that the ancient and renowned company of fox hunters should be incorporated with banking privileges. He did it in bitter irony, as a reproach to the wild spirit of speculation, by which the evils of a paper currency were so much extended. As a consequence of this expansion of the paper system, they are purchasing bread from Europe --the starvelings of Europe were sending them bread; and it was because those who made this bank paper did it with such facility that they could give a bundle of it for a single loaf. He held that all this was the fault of the federal Government rather than of the States; for if they did not give this paper money the wings to fly on, by making it payable for the revenues, it would fall back on those who issued it; and those charters, by which uncounted millions were circulated, and which encouraged an extravagant and demoralizing system of gambling in stocks, would soon cease, for the quantity of bank capital in the United States was brought back to the lawful operations of trade; he believed that four fifths of the stock now held would be surrendered as unprofitable. So far from giving sanction to the receipt of paper money, his object was to cut loose from the whole of it.

Mr. PORTER here submitted the following amendment: "*Provided* that nothing herein contained shall be construed to make any thing but gold or silver a legal tender, by any individual, or by the United States."

Mr. BENTON assented to the amendment, and said that the gentleman might make it as strong as he pleased.

Mr. KING, of Alabama, presumed it was intended by gentlemen to follow up this amendment by a repeal of the law which forced on them the reception of the notes of the Bank of the United States in payment of the revenue. There was a bill pending, not before them, however, for that purpose; and he did not know whether gentlemen were prepared to give it their support, if the bill did come up. He only made this suggestion to gentlemen, that they might give their attention to the subject.

Mr. EWING said there was nothing in this bill to prevent the receiving of the notes of the United States Bank. If there was a compact or obligation on the part of the Government, in pursuance of the charter, to receive them, it could not be violated. He understood it had been so construed by the Secretary of the Treasury that that Department was bound to receive them. He, (Mr. E.,) however, did not wish to be considered as giving any opinion on the subject.

Mr. CLAY. The notes of the Bank of the United States were never a legal tender; the law only authorized them to be received in payment of debts due the Government. If any Senator had any of those notes, and wanted to get rid of them, he might hand them to him. He would be glad to give the notes of any of these small banks, or even specie, for them.

Mr. KNIGHT considered the amendment altogether useless. There was no obligation on any one to receive any thing but specie in payment from the Government; and he presumed that, when notes less than ten dollars were paid to an individual, it was only for his convenience. If the individual was paid in notes over five dollars, he only had to turn round and ask the cashier to change them for fives; and he could also, if paid in five dollar notes, get them changed for tens or twenties, by asking for them. He considered the amendment altogether useless; but if the gentleman would introduce a proposition, requiring payments to be made only in gold and silver, he should vote for it.

Mr. BENTON said he should certainly do so; but not for a single suggestion, and not at that time.

Mr. CALHOUN doubted whether much if any good could come out of this proposition. He could see nothing in it that could cure the wretched state of the currency. It would be better to draw the fifteen millions of Government money out of these deposite banks, and distribute it where it could be usefully employed. They were using this money without paying any thing for the use of it, and drawing from the Government something like two and a half millions of dollars profit. The administration was responsible for that thoughtless, mischievous, and imprudent act, of withdrawing the deposites from the United States Bank, and placing them in these pet banks; notwithstanding they were told that, instead of stopping the evils of banking, these Hydras would spring up like mushrooms. It was amazing to see the majority sitting quietly by, without proposing a remedy to this evil, which was making beggars of thousands, and enriching speculators. These pet banks had an agent by the name of Whitney, (Mr. C. did not know him,) who had a control over the pecuniary affairs of the country which no other man ever had. He could raise or depress stocks at pleasure. There was an awful responsibility resting on the supporters of the administration. The gulf into which they were rushing was before their eyes. The dreadful explosion was coming. The injury to the manufacturers would be immense.

But, he thanked God, it would not be so great to those of the South. If the growing crop should be cut off, no one could tell the state of things it would bring about. Money that had been won by blood was put into public lands, and drawn out to be put into pet banks. Withdraw them (the deposites) from the banks, said he, and if you cannot return them to the people in any other way, loan them without interest. The money of the United States deposited in these irresponsible banks was an annual tax of something like two millions of dollars. He approved of the spirit in which this resolution was offered, but it would not meet the crisis. Let the Senate follow up this resolution with measures that would make this money cease to be banking capital. The Senate would do him justice for predicting, in 1834, that the state of things then would shake the country to its very centre. He could not let the matter pass without warning the Senate and the country of the dangers that threatened the country.

Mr. BENTON said that, among the other papers in his possession, he had an amendment that he had prepared for the bill to regulate the deposites of the public moneys. Would the Secretary be so good as to tell him how that bill stood on the calendar.

[The Secretary answered that bill was only eight ahead.]

Well, continued Mr. Benton, we shall come to it pretty soon, and he was then for making these deposite banks pay something handsome for the use of the public money. He also had a provision to prevent them from issuing notes less than twenty dollars, and to make them pay in gold and silver, or that equivalent to it, so that the holder of the bills should have a right to demand specie, and one half in gold, on the spot. He should stake his political existence against suffering the notes of any of these banks from becoming the currency of the country. We cannot, said Mr. B., cut them off at once; but must come to a specie circulation gradually. He would state, before he sat down, that his bill to supply the mint with coin (proposed a few days ago) would take up a considerable portion of the revenue; for the mint would require, as he had been informed by the director of that institution, a million of dollars a month.

Mr. CALHOUN rose to express his approbation of the measures the Senator from Missouri proposed to introduce, and said he would co-operate in any measures that would prevent that greatest of all calamities to any country, a ruined currency, a state of things which gave the sagacious and cunning man the advantage over the honest laborer.

Mr. NILES said that the Senator from South Carolina [Mr. Calhoun] had delivered the speech we had just heard, or the substance of it, three or four times during the session, on different occasions. The surplus in the deposite banks appears to give the gentleman great anxiety and alarm. In addition to his apprehensions for the security of the public funds, which he has not now enlarged upon, he represents the surplus as an alarming evil, by its tendency to enlarge the action of the deposite banks, and give dangerous expansion to the whole paper system. So far the gentleman is correct. Aside from all other weighty objections to an accruing surplus, if it shall appear that there is a surplus, this is, no doubt, an evil of no small magnitude. The money now in the treasury, however, cannot be regarded as a surplus; it has accumulated by the tardiness of our legislation, and the delay of the appropriation bill; it is much of it required for the public expenditures of the current year. The evil, therefore, to a considerable extent, may be regarded as a temporary one. But if there shall prove to be a surplus beyond the appropriation, such surplus, whether of thirty millions or ten millions, being, as of course must be the case, deposited in the banks, becomes a capital on which the banks will make discounts and enlarge their operations. This operates like a sudden creation of additional bank capital to the amount of the permanent surplus, and will enable the banks to increase their loans to perhaps twice the amount of these deposites. This state of things, in common with the improvident legislation of the States for the last two years, in creating bank capital to an unprecedented amount, exceeding, probably, fifty millions, has had a pernicious influence, by giving a dangerous expansion to the whole paper system.

The profits which the deposite banks derive from the public funds, although large, and what they ought not to receive, is the smallest part of the evils of this state of things. Did I suppose there was to be a permanent surplus, I should be as anxious to make some disposition of it as the Senator from South Carolina can be; and although I will not say that I would support any of the proposed schemes for the distribution of it, yet I would go as far as he who goes the farthest in support of any plan to get rid of it, founded in justice, and which shall not conflict with the constitution. He did not, however, wish to see it distributed among the States, but desired to see it returned to the people; or, rather, that no more money should be drawn into the treasury than what was required to meet the wants of the Government. Let us stop the money from flowing into the treasury, and leave it to distribute itself among the people. This was the scheme of distribution which he should prefer. But the Senator represents the evils of this surplus as arising from the public funds being withdrawn from the Bank of the United States, and deposited in certain State banks. He could not understand how this had either caused the evil, or increased it; it was unaccountable to him how a given amount of money deposited in one set of banks should have more influence to extend banking operations than if deposited in another set of banks. The banks are all governed by the same principles, and act from the same motives. Their object is to make the greatest profit; and the public funds, let them be in what bank they may, will be used for this purpose. It is now claimed that the public revenues being in State banks have occasioned an alarming extension of banking operations and expansion of the paper system, which threatens general ruin. Would not these evils, so far as they do exist, have been the same if these funds had been in the Bank of the United States and its branches?

He should like to have the explanation of this matter. It was to him as great a mystery as one of an opposite character two years ago. Then it was claimed by the Senator and others, that the removal of the public funds from the Bank of the United States to these same pet banks occasioned a money pressure and a panic. It was then said that the public revenues, while deposited in the United States Bank, were a fund in which that bank extended accommodations to merchants and others; but that being removed to State banks, they were not available for such purpose. The public could not be benefited by them in the State banks; and this was gravely alleged as the cause of the money pressure. Men of plain common sense could not then comprehend how it was that the removal of eight or ten millions of dollars from one to another set of banks, all acting on the same principles, and using it as a capital, should create a scarcity of money. This was a mystery two years ago; and now it seems we have another mystery quite as great; the deposite of the public funds in State banks, or what the gentleman calls pet banks, producing an alarming expansion of the paper system, deranging the currency, and threatening a general explosion, when none of these evils would exist had the same funds been deposited in the Bank of the United States. He had no partiality for the deposite banks nor any other banks; he wished them to be restricted, and compelled to pay for the use of the public deposites; they were enjoying advantages which they ought not to enjoy; but he could not, in silence, hear it repeated again and again on this floor, that the evils arising from the present surplus, whatever they may be, have been occasioned by the public revenues being deposited in the State banks, instead of the Bank of the United States, as that bank has greater power, is controlled by one will, can act with more energy and effect. Had it retained the public funds, the public evils would have been greatly increased.

Mr. CALHOUN, in reply to Mr. NILES, said the gentleman had misunderstood him. His argument was, that the removal of the deposites, and the breaking down of the Bank of the United States, had given rise to innumerable State banks; and not that the surplus would not have accumulated in the Bank of the United States; and that the idea of limiting bank capital by removing the deposites had turned out to be wholly fallacious. But it was the security of the public money to which he had alluded; for he would venture to assert that, if an ensurance was opened, they could not get the public money ensured in the deposite banks, against loss, for a premium of twenty per cent. In the Bank of the United States the public money would have been safe; and, what was more, they would, as stockholders, be drawing an interest of $400,000 for this money, which the deposite banks used without interest. There would have arisen another advantage from leaving the public money in that bank. Had it remained there, there would have been no objection, as now, to the distribution of it among the States, because the Government was in a state of hostility to the bank. President Jackson had twice recommended this measure, and it was surprising to see the facility with which his friends changed their opinions to please him. When he first recommended the distribution, they highly applauded it; the recommendation was eagerly hailed by New York; Pennsylvania followed suit, and the whole party sung hosannas to it; now they were all opposed to it. He saw a great difference in having the public money where it was safe, from having it where it was not safe. Banking capital had increased more than one hundred millions, and he held the administration responsible for it, as well as for all the evils with which they were threatened. He had predicted this state of things again and again, as a consequence of the measures of the administration, but he had not been listened to, and they had proposed no measure to remedy or prevent the evils acknowledged to exist. They came into power in 1830—they saw the public debt was about to be paid--they saw the tariff throwing millions into the treasury which it ought not to have collected; and they recommended no measures to meet these emergencies. Instead of being employed in attending to these objects, they were employed in turning out one cabinet and putting in another, and regulating social intercourse, declaring who they should visit, and who they should not visit. He held the administration responsible for the existing state of things in regard to the currency, and for converting the public lands, the property of the people, into useless paper.

Mr. WALKER said he had heard with much surprise the charge renewed by the gentleman from South Carolina, [Mr. CALHOUN,] in relation to the deposite banks; or, as that gentleman designates them, pet banks—the President's banks. Mr. W. said, that if these banks are the pets of any man, or set of men, they were the pets of the United States Bank; for Mr. W. believed that nine tenths of these very misnamed pets had petitioned for, or favored the recharter of, the Bank of the United States. They were, said Mr. W., with few exceptions, all opposed to the President. The official documents from the Treasury Department, on which gentlemen of the opposition have heretofore commented, exhibit the fact that the Planters' Bank of Mississippi held nearly three millions of the public moneys; and yet this enormous sum is permitted to remain in a bank, whose president, whose cashier and directors, were the decided opponents of that gentleman, whose cause, it is insinuated, the President desires to promote through the aid of the public moneys in the deposite banks. Should not this fact convince every impartial mind that these charges against the President were utterly groundless. Sir, (said Mr. W.,) I venture to affirm that four fifths of the deposite banks are opposed to the President, and that a publication of the list of names of the stockholders, directors, and officers, of these institutions, would prove the truth of this assertion. Sir, (said Mr. W.,) if banks, ay, even if deposite banks, were to decide the politics of the day, hopeless indeed would be the cause of the President and of his friends. But, (said Mr. W.,) the gentleman from South Carolina tells us that the public moneys are unsafe in the deposite banks; that no one would ensure the return of these public moneys, by these banks, to the Government, at less than twenty per cent. Sir, (said Mr. W.,) if the gentleman will make the offer, he can, I have no doubt, obtain this ensurance at less than one half of one per cent.; and, sir, so far as my humble means would go, I would most cheerfully ensure the prompt payment of all the public moneys by the Planters' Bank of Mississippi at less than one twentieth of one per cent. Sir, (said Mr. W.,) that bank is owned and controlled by political opponents; but I feel bound to say that the institution is perfectly solvent, fully able to meet, at any moment, any call the Treasury may make upon it; and that it is, at this moment, infinitely safer than the Bank of the United States; that it has more specie or northern funds, in proportion to its circulation, than the Bank of the United States. Sir, (said Mr. W.,) an effort was made some two years ago, on this floor, to destroy the credit of the Planters' Bank of Mississippi. An alarm was created abroad; the notes of the bank was sent in from all the distant cities for redemption in specie, and they were redeemed, and the panic terminated; and, sir, is it desired to get up another panic, not merely in Mississippi, but throughout the Union? Is it intended once more to unhinge public confidence, to excite another alarm, by asserting that twenty per cent. would not be taken as an ensurance for the return of the public moneys from the deposite banks? Is it intended to create, by false alarms here, another scene of distress and embarrassment, and then to charge it all upon the President? Is it for this that inflated estimates of the alleged surplus are presented to the public, when at the rising of Congress, when all the appropriation bills may have passed, there may be no surplus at all? But these public moneys are not deposited in the United States Bank; they are not there to be used in prostrating the administration, and overthrowing the liberties of the people; and this seems to be the great grievance of which the gentleman from South Carolina so loudly complains. Sir, the sentiment of the American people, shaken by the portentous alarms echoed and re-echoed from this hall, did for a moment vibrate upon this subject, but it is now fixed and immutable that the public moneys had better be scattered to the four winds of heaven, than to be used as a part of the artillery of the bank in its war upon the Government and people of the Union. Believing, then, that no useful object can be accomplished by these incessant assaults upon the deposite banks, I hope these attacks will cease, or if renewed, it may in future have facts and specifications, instead of vague assertions and groundless insinuations.

Mr. Porter's amendment was then agreed to, and the bill was ordered to be engrossed for a third reading.

PUBLIC DEPOSITES.

Mr. **WRIGHT** laid on the table the amendment which he proposed to move to the bill to regulate the public deposites, whenever that bill shall be called up. If the Senator from South Carolina did not call up that bill, (as he had intimated that he should not,) he (Mr. W.) would call it up at the earliest opportunity.

Mr. **CALHOUN** expressed his gratification that the gentleman from New York and the Senator from Missouri had taken this bill under their protection. They had the power to carry it through, and he was glad that they had it in their charge.

The amendments were ordered to be printed.

SMITHSONIAN LEGACY.

Mr. **PRESTON** stated that he had some months since laid on the table a resolution from the Committee on the Judiciary, on the subject of the legacy of Smithson. He would now call it up, if it suited the convenience of the Senator from Virginia, [Mr. Leigh.]

Mr. **LEIGH** yielded his desire to have it taken up, and,

On motion of Mr. **BLACK**, the Senate proceeded to the consideration of executive business; and, after remaining some time in secret session,

The Senate adjourned.

THURSDAY, APRIL 7.

RAILROAD CONTRACTS.

Mr. **GRUNDY**, from the Committee on the Post Office and Post Roads, made a report on the subject of the bill to authorize contracts with the railroad companies; which he read from the table.

Mr. **EWING**, of Ohio, stated that the report contained much important matter which it was proper to lay before the public; and he accordingly moved that there be 5,000 extra copies printed.

Mr. **GRUNDY** suggested that there should be appended to the report the bill of the committee, as it was proposed to be amended.

Mr. **CALHOUN** said that the report was an important one, but he could not but apprehend that it might be difficult to carry out the views which it contained. He feared that the Postmaster General would derive, as the agent of the Government to contract with these companies, too great an addition to his power, and in this respect the bill could not be too carefully guarded. He had not had sufficient time to turn in his mind the many difficulties which seemed to stand in the way of this plan. Whenever the bill should come before the Senate, he would co-operate heartily in guarding against too much power being given to the Department. He doubted the propriety of printing so large a number. It was often the case that these *ex parte* reports held out flattering prospects, which were doomed to be clouded, and to lead to expectations which were never realized. He hoped there would be a postponement of the question to print the extra number.

Mr. **GRUNDY** expressed a wish that the gentleman from South Carolina had turned his attention to the amendments proposed to the bill. It was so framed that the Postmaster General would have no authority to make any binding contract. Every contract must be submitted to Congress, and must receive the sanction of the two Houses before it would be binding. This amendment had been proposed by the Senator from Ohio, [Mr. Ewing,] and had been unanimously agreed to in the committee. The Postmaster General would have no power on the subject of contracts. He would act merely as a negotiator with the War Department, for the purpose of communicating to the railroad companies all possible information which would be required as to the wants of the Government. But he was not to act on the subject of contracts; all he could do was to present the offers to Congress, by whom they must be accepted or rejected. No additional power, therefore, was conferred on the Postmaster General, as he was not authorized to do any thing which was conclusive. The amendment, which took away the power from the Postmaster General, was offered by the Senator from Ohio, and had received unanimous concurrence; and the bill, in its amended form, is as free from giving any increased powers to the Postmaster General as possible.

Mr. **CALHOUN** said he should be happy to concur in all the provisions of the bill which appeared to him to be practicable; but even in the modified form in which the bill was now presented by the Senator from Tennessee, he saw much difficulty. We are about to make a new movement. We had frequently seen plans which were equally plausible in their appearance, but which finally turned out to be mere fallacies. He was desirous that the motion to print the extra number should be postponed until there had been a little more time allowed for examination into the report.

Mr. **EWING**, of Ohio, stated that it was only recently that the subject had been agitated at all. It was certainly impossible to foresee all the difficulties which might arise in carrying this new arrangement into effect. Although he had proposed the amendment, and assented to the report which had been made, he had reserved himself as to the main question of the policy of the bill itself, and had left himself entirely free to act on that subject according to the views he should then entertain. The original bill had this objectionable feature. According to its provisions, no railroad company could make a contract for the transportation of the mail without the permission of the Postmaster General. This provision was exceptionable, and he had pointed it out and suggested its impropriety. It was accordingly stricken out by the unanimous consent of the committee. The bill as it now stands provides that the Postmaster General shall send the proposals to Congress, for the action of that body, after such propositions have been submitted. To this provision he could make no objection. To the act, as it now stood, he could at first view see no objection. If, when the first contract was made, it should be found on trial that it was disadvantageous, the system could be broken up without going any further. He had proposed the printing of an extra number of copies, because he desired that the subject should be transmitted freely to the public, in order that public opinion might act upon it, and that the merits of both the report and the bill may be fairly examined. Still he had no particular objection to suspend his motion to print an extra number for a few days, until the arguments of gentlemen could go forth at the same time.

Mr. **GRUNDY** expressed the hope that whatever number it might be thought proper to print of this report, they might be printed at once. It was a matter of business. It was important that the plan should be known abroad, in order that companies might make their contracts with a full knowledge of the views of the Department and the committee.

Mr. **KNIGHT** said he was a member of the Committee on the Post Office and Post Roads, and had acquiesced in the report. But he did not feel himself committed as to his vote on the bill; he felt himself still at liberty to act in reference to the measure as his judgment might heareafter dictate. He regarded the bill as an indirect measure for the prosecution of internal improvement. The general Government would advance to the companies the means for the construction of these roads, and would thus operate on all the railroads throughout the Union.

The motion was then agreed to.

INCENDIARY PUBLICATIONS.

The Senate proceeded to consider the bill prohibiting deputy postmasters from receiving or transmitting through the mail, to any State, Territory, or District, certain papers therein mentioned, the circulation of which, by the laws of said State, Territory, or District, may be prohibited, and for other purposes.

Mr. DAVIS, of Massachusetts, rose and said he proposed, as no other gentleman seemed inclined to take the floor, to invite the attention of the Senate to some considerations connected with this bill. The Senator from South Carolina [Mr. CALHOUN] had justly observed that it was an important measure, and I (said Mr. D.) so view it, for it seems to me to propose a great, and, I fear, injurious change in the policy of the United States. The alleged object (said Mr. D.) is to suppress what are called incendiary publications; and it is necessary to look at the provisions of the bill, that the change in policy, and the manner in which it affects privileges which we have hitherto enjoyed, may be fully understood.

1st. It provides that it shall be unlawful for any postmaster to put into the mail, or deliver therefrom, any pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, touching the subject of slavery, addressed to any person living in a State where the circulation of such paper is prohibited by law.

2d. It makes a violation of this provision punishable with fine or imprisonment.

I need not (said Mr. D.) state the provisions more particularly, as the residue consists of details. It seems to me plain that the object is to transfer from the United States the regulation of the mail and of the Post Office, in these matters, to the States, by making the laws of the States, whatever they are or may be, the laws to regulate the Post Office, and to that extent the laws of the United States. This is a manifest change of public policy, a departure in principle from the uniform course of legislation; and, not being prepared for such a step, I have risen to express the hope that it will not be hastily taken It was the pleasure of the Senate to place me upon the committee; and, as I did not concur in the report or the bill, it is probably expected that I should state my reasons for this difference of opinion.

The report drawn by the distinguished Senator from South Carolina [Mr. CALHOUN] treats the matter in two distinct views, which, however ingenious and able, seem to me not to be reconciled to each other.

In the first place, it contains an able argument to prove that Congress has no constitutional power to pass a law to regulate the Post Office, by making the postmasters the judges to determine the moral, political, religious, or other tendency, of printed or written matter, for this would be an indirect invasion of the liberty of the press, and a perversion of the purposes and intent of the power granted to manage the Post Office. It likens the case to that of the sedition law, which was condemned on the ground that the press was indirectly invaded by it.

In the second place, it contends that, while this direct exercise of power by legislation here is denied, there is a full and complete constitutional authority to sanction and carry into effect the laws of the States, when they require precisely the same investigation of the mail, the same objectionable separation of its contents, and the same practical invasion of the press.

Now, sir, (said Mr. D.,) the propositions seem to me to lead to the same result. The one proposes a suppression of certain papers by the agency of the postmasters, and so does the other: not only the end, therefore, but the means, are the same. The only difference is, that in one case the law comes from a State or States, and in the other from Congress; but if Congress, by its acts, so far adopts the law of a State as to make it a rule of conduct for public officers, requiring them, under penalties, to obey it, is not such a law in fact a law of Congress by adoption? Is it not in truth a part of our legislation in the regulation of the Post Office as much as if it had emanated directly from Congress? I confess I cannot perceive the difference, and the two parts of the report, which arrive at opposite results, seem to be irreconcilable. The one disproves the other; for, if the one is right, the other is wrong. But, sir, I do not propose to enter into the question of constitutional power at this time, for I have other and distinct grounds of objection, about which I feel no embarrassment; and, therefore, shall at present leave this debatable question.

It seems to me, if the power were unquestionable, the measure is inexpedient. To make myself understood, I must call the attention of the Senate to the character of the Post Office, and then distinctly to the proposed plan of regulation; and, if I mistake not, it will be found to be such a perversion of the purposes for which the Post Office was established, as greatly to impair its usefulness.

There is, perhaps, no known definition of a post office which so distinctly indicates its character as to show the precise purposes of its establishment in detail. The general design is to transmit intelligence; but in what form and to what extent, are all matters undetermined by the constitution; for the authority is there contained in a single line. Among the enumerated powers, it reads "to establish post offices and post roads." This is all. A naked grant of power, leaving to Congress to determine how and in what way it shall be executed; and Congress has hitherto determined both what shall go in the mail bags, and how they shall be transported, and upon what conditions. The reason of vesting this power in Congress is apparent. The transmission of intelligence through all parts of the country was obviously a matter of great public concernment, in which all were interested; and, as all would be represented here, that could manifestly be better regulated and provided for here than by the States separately. The matter was supposed to be thus confided where there could be no dispute or conflict of interest, but the laws would be uniform, and the transmission certain. It is, then, I think, clearly the duty of Congress to provide for the speedy transmission of intelligence; and in this, I doubt not, we all concur.

The question, then, raised by this bill is this: shall we further regulate the Post Office, by requiring the postmasters to investigate the contents of the mail? The bill makes it penal to receive or deliver any papers, the circulation of which are forbidden. Now, sir, how can the receiving or delivering postmaster know what he receives or delivers, without examination? If he fails to examine them, the whole purpose of the law is defeated. If he examines them, the contents of the mail are exposed. The bill embraces all letters, as well as printed matter; for, after enumerating newspapers, pamphlets, handbills, pictures, &c., it says, or any other paper. The mail is necessarily submitted to the inspection of the postmasters, with a power to reject or withhold so much of the contents as have any thing in them touching the subject of slavery, if it is prohibited circulation. We are told that all incendiary publications are prohibited; but what are incendiary? Yes, what are incendiary? I will read to the Senate, from a document before me, that they may be the better able to judge what is and will be inhibited as incendiary. A short time past, a citizen of New York, residing in that State, and editing a newspaper called the Emancipator, was indicted in Alabama; and as he was not resident in that State, the Governor demanded him of the Governor of New York as a fugitive from justice, (though he had not been within the limits of Alabama,) that he might be tried upon the indictment. A copy of this bill was exhibited to the Governor of New York, as the foundation of the right of claim, and thus became public. The Governor of New York denied that a person who had not been in Alabama could be a fugitive from that State, and so he was not surrendered.

Now, (said Mr. D.,) I beg the Senate to be attentive to the offence set forth in this indictment. It consists in matter extracted from the Emancipator, and is as follows: "God commands and all nature cries out that man should not be held as property. The system of making men property has plunged 2,250,000 of our fellow-countrymen into the deepest physical and moral degradation, and they are every moment sinking deeper." Of all the matter published in this incendiary periodical, as it is styled, this has been selected as the most criminal, as designed, as the indictment alleges, "to produce conspiracy, insurrection, and rebellion, among the slave population of said State, in open violation of the act of the General Assembly in such case made and provided." Such is the law of Alabama, and such the language which it makes criminal, and sends the publisher, on conviction, I suppose, to the penitentiary. With the policy of such a law I have nothing to do on this occasion, for I adduce this indictment as a leading example to show what is by law made incendiary. Whatever may be the views entertained in the States where slavery is lawful, I cannot forbear remarking that this language will be read with surprise in this connexion out of them. It will be esteemed a mere expression of opinion, a mere truism, by nine tenths of the people; and they will find it difficult to understand how, in a land where the freedom of speech and the press are secured by the constitution, it can be in law criminal. If, sir, such declarations are to be denied the privilege of the mail, the constitution of Massachusetts would be excluded as libellous, because it declares all men are born free and equal. This sentiment is manifestly as much at war with slavery as that contained in the indictment.

The speeches made here in the halls of legislation could not pass through the mail. The debates themselves would be suppressed; the speeches delivered here by the Senator from Carolina himself, if the matter he has read to us from papers is carried into them, could not be distributed in Alabama through the Post Office; and for aught I see, in following out the same doctrine, an essay on education sustaining its general importance would be deemed incendiary, because it is a portion of the public policy not to educate slaves. And why should not a discussion of free and liberal principles, asserting the right of mankind to govern themselves, follow the same fate? I need not multiply instances to show where this power leads to. Incendiary matter is any thing unfavorable to slavery. The general principle urged by the Senator from Carolina is, that where the States have power to legislate, the United States are bound to carry into execution their laws. They have power to prohibit the circulation of incendiary matter, and therefore Congress ought to aid that power. It is clear, however, in doing so, we ought not thereby to surrender or impair the power vested in us by the constitution. Without this qualification, where will the doctrine lead us to?

Suppose a State, in a highly excited state of the public mind, should pass a law prohibiting the circulation of all political matter not in accordance with the opinions of a majority; or of bank notes, or checks, or drafts, through the mail in payments of debts, as has lately been menaced; or of speculations in philosophy or religion: can this Government, consistently with the fundamental principles of the constitution, lend its aid to countenance such measures? Are they not clearly in restraint of public liberty, and hostile to free Government? And yet, if whatever touches the subject of slavery is to be shut out from the mail on the principles upon which this bill rests, how are we to shun these consequences? One State makes a law, which stigmatizes as libellous, and therefore criminal, whatever touches or affects slavery, ay, mere opinions, as in Alabama. Another condemns religious sentiments as heretical, and another stamps with reprobation all political discussion, except what is agreeable to the views of its own majority. Each demands the aid of Congress to enforce its laws, because they have, under their several constitutions, a right to make such laws. If you admit the claim of one, on what principle will you resist the others? Such, sir, is the general character of this bill, and such its obvious tendencies. If no further objections could be found, are we prepared to countenance doctrines pregnant with such injurious consequences? For myself, I could have no hesitation in saying to the southern States, you must first satisfy me that you have no other remedy for the evil of which you complain, before I would establish a precedent tending strongly to invade the great principles of public liberty.

But, sir, beyond all this there are insurmountable difficulties. How, and by whom, is this law to be executed? Who is to determine, and in what manner, whether the constitution of Massachusetts, which declares that all men are born free and equal, or the declaration of independence, which declares that "all men are created equal, and are endowed by their Creator with certain inalienable rights, among which are, life, liberty, and the pursuit of happiness," touch the subject of slavery, or are incendiary? Who is to decide whether the people shall see the debates in Congress, and know what their agents are doing and saying here? These are momentous considerations: for whoever holds this power, may shut up the great channels of intercommunication; may obstruct the great avenues through which intelligence is disseminated. I say close and obstruct them, because the Post Office power is a monopoly in the hands of this Government. It claims the exclusive right to transmit the mail, and denies to individuals the right to send letters by private conveyance under severe penalties. It may, also, if it chooses, claim the exclusive right to transmit printed papers. It is obvious, therefore, that this right of decision is one of great moment; and it is vested in each and every deputy postmaster, and any clerk he may see fit to employ. These persons are required to sit in judgment upon matters that would perplex the greatest judicial talent in the country. What is incendiary? What touches the subject of slavery? These are the questions. Every one is aware that few matters are carried into the courts of law so difficult to determine as what are libellous, or what slanderous; and yet, if I wish to send a letter, a paper; yes, sir, the declaration of independence itself, through the Post Office, it must first be scrutinized by a clerk, to ascertain whether it violates the laws of Alabama, Carolina, or some other State; and if, in his opinion, the subject of slavery is touched, so as to offend one of these sweeping laws, I am denied the privilege of the mail.

Ordinarily, when our rights of property or privileges are assailed, we are entitled to be heard, and to have the matter settled by a court and jury. But here a mere boy may shut us out from a most important privilege by a solitary judgment, made according to his own whim, caprice, or want of understanding; and, besides, it is not difficult to imagine that, in corrupt, prejudiced, or perverse minds, this power may be exercised both wickedly and oppressively. That it will be done partially is almost certain; that it will be done unequally, and by different rules, is inevitable from the nature of man; for there are eight or nine thousand post offices. How easy it will be to subject one newspaper to the severest scrutiny, and to suffer another to pass with a casual examination. The postmasters and their clerks will thus become judicial officers, settling great questions, and determining great rights, by an inquisitorial power as odious and offensive as that of the holy brotherhood—the inquisition of Spain. This is not all. The labor will be immense, demanding great additional force, and causing great delays in the transmission of the mail. Who can estimate the labor and time necessary to analyze the mails at the post office in New York?

This right of scrutiny into the contents of the mail, and of inhibition, cannot fail also to excite distrust, and to impair, if it does not entirely destroy, the usefulness of the Post Office. It will so certainly be the grave of letters and papers, that the public will cease to use it. It may be said the heavy penalties afford some security. It will, I fear, be easy to shun them. If not, then the condition of the humble deputy will involve a fearful responsibility, such as no man ought to incur. For you require him to decide what he is incompetent to understand, and, if he decides wrong, subject him to an action for damage if he injures an individual, or a severe penalty if he violates your law. This again shows that the matter is surrounded with embarrassment, and should be approached with the greatest caution. Such, I repeat, is the tendency and character of this bill; and if these objections are allowed to have their proper weight in the minds of gentlemen, they will, without hesitation, pronounce the measure inexpedient. They will also hold it inexpedient, as a measure of doubtful constitutional authority, from the showing of the report itself; for if it be unlawful for Congress to confer this authority on postmasters by a law of their own, it is difficult to comprehend how it can be done by indirection; by adopting the laws of the States, when those laws lead to exactly the same result.

Notwithstanding these objections, which stand forward as if insurmountable, yet the Senator from South Carolina says there are precedents for the measure, and affirms that the proposition is not new in its general aspect. I do not feel inclined to pay great respect to precedents, especially if they appear to rest on doubtful authority. They certainly impose no binding obligation, but come to us simply as the expression of opinion upon former occasions. The precedents quoted certainly fall far short of covering this measure. They are in no respect, as it seems to me, applicable, unless to prove that Congress has, on two occasions, shown a willingness to aid the States in their policy; and I believe the Senator produces them for that purpose.

The first is a law, passed in 1803, to prohibit the importation of persons of color into such States as made it unlawful. The object of this act seems to me to be obvious. It was designed to diminish the slave trade. The constitution provided that, until after 1808, Congress should not prevent any of the States that authorized it from importing such persons. It is manifest, therefore, that a general law could not be passed in 1803, prohibiting the trade, for it is well known that several of the States authorized it. The constitution, therefore, only allowed Congress to go just as far as it actually went, that is, to sustain the prohibition, where the laws of the States allowed it. The power of the States in this matter was paramount to that of the United States. They held the thing in their own hands, and the United States could not interfere, except where the right to import had been prohibited by the voluntary act of the States. All this act implies is a disposition on the part of the United States to discountenance the importation of slaves, to the full extent of their power. I cannot perceive that it has any bearing, as a precedent, to prove an acknowledged obligation on the part of the United States to sustain State legislation.

The next is the quarantine laws. The detail of these laws I do not recollect; but am aware that the sanatary regulations of the seaports are made by the States. This is obviously both convenient and proper, as the mixed jurisdiction which the States and the United States have in this matter would almost render separate and independent action impossible. Congress gives countenance and support to these laws. The course is the result both of convenience and necessity. Before, however, this will stand as a precedent for this bill, a like case of urgent necessity ought to be shown. But, even in this instance, I do not believe the United States adopts the course because they hold themselves bound to do so, but because the object is most easily attained in this manner. The precedents, therefore, so far as I have been able to consider them without any opportunity for examination, appear to me to fail to sustain the doctrine advanced. They have no tendency to prove that Congress is, under any circumstances, bound to adopt and enforce the law of a State.

There are other topics which I intended to notice, and may do so at another time; but I am able now to proceed no farther, and will conclude by saying that I am not able to perceive any such urgent necessity for this measure as has been represented. At any rate, it is so objectionable that it ought not to be adopted until other means fail. Why does not South Carolina, if she has not done it, make it penal for persons who take from the post offices incendiary papers, to circulate them? Why does she not require them to be delivered to a magistrate, or to be otherwise suppressed? Let her try these strong measures, and, if they fail, it will then be in season to ask for aid here, and then soon enough to consider such a measure as this.

Mr. **CALHOUN** said that the Senator from Massachusetts had certainly raised a very important point; and he could not do justice to his argument and to himself without previously arranging the various points of it. The Senator, however, was mistaken in his view of the subject. It was because the subject particularly belonged to the States, and it was the duty of the general Government to aid and co-operate with them in carrying their laws into effect, that the bill was framed. He ventured to assert that not only did this duty result from the relations between the States and the federal Government, but that it was an indispensable duty. The principle was not a new one; it had been applied more than once; but it was an old principle applied to a new case. He threw out these hints to prevent any erroneous impressions resulting from the remarks of the gentleman from Massachusetts.

On motion of Mr. **CALHOUN**,

The Senate then adjourned.

FRIDAY, APRIL 8.

NEW HAMPSHIRE RESOLUTIONS.

Mr. **HUBBARD** stated that the Legislature of New Hampshire, on the 25th of June, 1835, passed a resolution instructing their Senators in the United States Senate to vote for expunging from the journals of that Senate a certain resolution which was adopted on the

28th of March, 1834; and that the Legislature also passed, at the same time, a resolution instructing their Senators to present their resolution to the Senate. In obedience, therefore, to the instructions of the Legislature, and in accordance with his own feelings, he would now ask leave to present the resolution, and would move that it be laid upon the table and printed.

The following is the resolution referred to by Mr. Hubbard:

"State of New Hampshire:

"*Be it resolved by the Senate and House of Representatives in General Court convened,* That our Senators in Congress be, and they are hereby, authorized to vote that the resolution passed by the Senate of the United States on the 28th day of March, 1834, in the words following, viz: 'That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both,' be expunged from the journals of that body; and that they be further instructed to lay this resolution before the Senate of the United States."

MAINE RESOLUTIONS.

Mr. RUGGLES said that he held in his hand a copy of resolutions passed by the Legislature of Maine, relating to the subject of abolition proceedings in the non-slaveholding States. They are responsive to resolutions transmitted to the Executive of Maine from the States of North and South Carolina, Georgia, and Alabama, calling upon the non-slaveholding States to suppress, by law, abolition publications. These resolutions of the Legislature of Maine assert, as the sense of the two Houses, that the Government of the United States is one of enumerated, limited, and defined powers; that the power of regulating slavery within the States does not belong to Congress, not being one of the enumerated powers; that the States, with certain defined exceptions, are, with respect to each other, distinct and sovereign States, each having an independent Government, whose action is not to be questioned by any power whatever, but by the people of such States; and that any interference by a State, or by the citizens of a State, with the domestic concerns of another State, tends to break up the compromises of, and to disturb, the Union. The resolutions further declare it to be inexpedient to legislate on the subject of abolition publications, because there is no abolition paper printed within the State, and because all discussion on the subject has been arrested by the decided expression of public disapprobation. These resolutions, said Mr. R., were reported from a large and respectable committee of both Houses, and received the unanimous assent of that committee. In the Senate they passed unanimously, and nearly so in the House of Representatives, a body composed of upwards of one hundred and eighty members. There was one circumstance, said Mr. R., which he considered deserving of the particular attention of certain honorable Senators. He could not refrain from recommending it, with due deference, to their serious consideration, as furnishing an example worthy of imitation in this body in its action upon the abolition memorials which had been, or should hereafter be, presented here. The circumstance to which he alluded, he said, was this: the resolutions were permitted to pass through both Houses of the Legislature of Maine, without one word of agitating and exciting debate.

He then moved that the resolutions be read.

Mr. CALHOUN expressed his gratification at the tenor of the resolutions, which he said gave the correct view of the subject in discussion, going back to the good old republican principles. He was also gratified to understand from her Senator that the reasons which induced Maine not to legislate on the subject, were, that no abolition papers were printed in that State, and no discussion of the kind was carried on there. He would now ask the Senator whether there was not an abolition society in Maine, and whether it did not issue addresses that were extensively circulated. He put these questions because he was anxious to give correct information to the South on the subject.

Mr. RUGGLES replied to the inquiry of the Senator from South Carolina, [Mr. Calhoun,] that there had been in times past, as he had been informed, a society in Maine friendly to the abolition of slavery. But whether that society is in existence now, he was not able to say. He regarded the resolution just read to the Senate, asserting that public discussions of the subject had been arrested, as justifying the belief that there were now no proceedings relating to abolition in that State, which it was necessary to suppress by law.

Mr. CALHOUN observed, he had put the question because, shortly after his arrival here, he saw a publication, drawn up with great ability, said to be issued by a society calling itself the Maine Abolition Society, having numerous signatures appended to it. Now, he held the existence of such a society to be as dangerous to the South as an abolition newspaper; and he thought if the State could suppress the one, it could suppress the other. He hoped that in time public sentiment would be such at the North as to put down all such societies; but he confessed he was incredulous as to the result. The Senator from Maine went so far as to cite the example of the Legislature of Maine, as worthy to be followed by certain Senators on that floor; meaning, he suppsed, himself for one. He thanked the Senator for his advice, and was, perhaps, so weak-minded as to require it; but he who offered this advice ought to have himself followed the example recommended by him to others. He would tell the Senator, that so long as his constituents sent here denunciations against the people he represented, terming them pirates, murderers, and villains, he should take the liberty to treat such denunciations with the scorn they deserved. He held it to be a solemn truth, that as long as they were compelled to discuss the subject of abolition on petitions received there, the abolitionists had gained all they wanted; and so long as they were permitted to come there he would take the liberty to speak of them in the terms they deserved.

Mr. BROWN rose and said that he did not know in what spirit the resolutions which had been presented by the Senator from Maine, passed unanimously by both branches of the Legislature of that State, might be received by some gentlemen, but, in his capacity as one of the representatives from a southern State, he hailed them with feelings of gratification, and looked on them as a most favorable omen, among many others, of that peace and good will, among our brethren of the North, so important to the continuance of the confederacy.

He did not know to what extent anti-slavery societies existed among the people of Maine, but when that party had been unable to return a single member to the Legislature of that State, the resolutions having, as appeared on the face of them, been passed without a dissenting voice, strongly condemnatory of the course of the abolitionists, he thought it would require a high degree of credulity to believe that they possessed either weight of character or strength of numbers. To expect a State to eradicate every folly or infatuation from the minds of all its citizens, was, and would be found, a very impracticable undertaking. Mr. B. said, in this, as in many others of the Legislatures of the northern States, the unanimity of sentiment on this subject was almost unprecedented. In some, he was confidently assured, there was not an abolitionist; in none, could that party make any exhibition of strength.

It had been said by gentlemen, on several occasions, that they could not sit here patiently and hear the people of the South branded as "pirates, robbers, and murderers," by these petitioners. This language had repeatedly gone forth, in speeches delivered here: the effect of it was, to excite the feelings and sensibilities of the people of the South. He would now say that he had never heard either of the epithets just repeated, used in any, even the most offensive, of the petitions. Their language was bad enough, but none of them had used the language which had been repeated; if they had, he too would have voted against their reception, on the ground that they had violated outrageously the rule of the Senate which required decorum to this body, applying precisely the same rule in regard to petitions on this subject that he would to those on any other subject in regard to their reception—the constitutional principle in regard to the right of petition being the same.

Mr. B. would again ask if it was prudent that such expressions should go forth from this hall, when so well calculated to inflame public feeling, and when they were not to be found in even the worst of the petitions themselves. None felt more sensibility on this subject than himself; but it was the part of wisdom as well of generosity for us to cultivate harmonious feelings with those who were acting in concert with us to the North, to put the abolitionists down; and he had heard with regret expressions, in reply to the Senator from Maine, which he thought should have been rather those of gratulation than of a different character.

Mr. CALHOUN asked the Senator from Ohio, [Mr. MORRIS,] to let him have the petitions that he had withdrawn.

[Mr. MORRIS gave Mr. CALHOUN some petitions, and said he could not consent for them to be used at that time.]

Mr. CALHOUN said he was utterly astonished at the remarks of the gentleman from North Carolina. These charges were made when the Ohio petitions were presented and read, and in the gentleman's presence. Memory was frail, but he could hardly be mistaken as to the offensive epithets used in the Ohio memorials. Certainly, said he, all remembered that we were charged with dealing in human flesh, an allegation as strong as any he had quoted. The Senator from North Carolina could not rejoice more strongly than himself to see this spirit of abolition arrested, but he feared that it was too strong to be easily subdued.

The feelings, as indicated in these resolutions of the Legislature of Maine, were certainly to be highly commended, and he had taken occasion to express the satisfaction with which he received them. He had thought it, however, right for the people of the South to know that there was an abolition society in Maine, which put forth very able and extensive publications.

Mr. LINN would merely remark that the petitions to which the gentleman from South Carolina alluded had been withdrawn by the gentleman who presented them, before taking any question upon them.

Mr. MORRIS observed that he had put the petitions which he had withdrawn into the possession of the Senator from South Carolina, but not with a view that he should use them publicly on the occasion. It was true that he did present petitions couched in language deemed by other gentlemen to be exceptionable, but which he then and now thought was perfectly unexceptionable; and that he had afterwards withdrawn them, at the solicitation of his friends, to make way for a Quaker petition, as if that was entitled to a precedence over those from Ohio. At a proper time he should present them to the Senate; and if the Senator from South Carolina objected to their reception, and should be sustained by the Senator from North Carolina and other Senators, the petitions might be rejected. The Senate would then see in what language the petitions were drawn up, and might judge for itself whether it was as offensive as it had been represented to be. Remarks had been made on that floor, in relation to these petitioners, which he deemed very erroneous. It mattered not what class of citizens presented themselves as petitioners, they were entitled to a respectful hearing. They had been termed miserable fanatics, vile incendiaries, and charged with an intention to dissolve the Union. All those interested in putting down this spirit, which they so much deprecated, had used these violent terms in reference to persons petitioning for what they deemed Congress had a right to grant. He had always thought that these people had an undoubted right to be heard; and he was of opinion that the receiving their petitions, and then rejecting them immediately, as moved by the Senator from Pennsylvania, was tantamount to refusing to receive them; it was keeping the word of promise to the ear, and breaking it to their hope.

Mr. M. said he would here take occasion to correct an error that appeared in one of the morning papers. His name was there given in the list of those who voted to reject the prayer of the petitioners. His name ought not to have been given on that list; he gave no such vote; and he could not, consistently with his views, vote to reject a petition without giving the subject of it a fair examination. Could he have done this, he would have no hesitation in voting, with the Senator from South Carolina, to refuse to receive the petition at all. He would here make another acknowledgment, with respect to a declaration he made to his friend from Georgia. When he first took his seat here as a Senator of the United States, he believed that Congress had a right to legislate on the subject of slavery in the District of Columbia; and he was also of opinion that sound policy required that something should be done with regard to it. He was now convinced, from information since acquired, that it was not expedient for Congress to touch the subject; and he would gladly rid them of all further solicitation to legislate on it, by going, with the Senator from South Carolina, for a retrocession of the District to the States, to whom it originally belonged. He believed that, as long as Congress had exclusive jurisdiction over the ten miles square, petitions for abolishing slavery would be continually pouring in. The feelings which induced these petitions were the deepest rooted of any in the human breast; they were excited by a high sense of religious duty, and no human power could ever induce them to abandon what they believed themselves thus bound to perform. A retrocession of the District, therefore, would be the best mode of relieving Congress from continued petitions on this subject, and of avoiding that agitation and excitement which gentlemen said threatened a dissolution of the Union. Mr. M. here took an extended view of the subject of dissolution and secession from the Union, denying that there was any power in any State either to dissolve or secede from the Union. A man, said he, may commit treason against his Government, and if he succeeds he is a hero; but if he fails, his fate is that of a traitor. When he heard gentlemen speak so frequently of a dissolution of the Union, he asked himself if it was possible they could be in earnest, and could suppose that there was any power capable of performing what had been thus threatened.

Mr. PRESTON expressed his approbation of the resolutions. The people of Maine had taken fair, just, and honorable grounds, which were dictated by an honorable spirit of patriotism. It was because he felt great apprehension as to the consequences of the agitation of this subject, that he so highly appreciated the sentiments of the resolution. But, although it might not be competent for an individual, or a single State, to attempt to dissolve the Union, if Maine had taken a different stand, and this matter had continued to grow and spread, it would have involved the disunion of the Government. He had, he believed, heretofore said that the South could, if placed in a situation of self-defence, protect itself. For his part, he did not, as a southern gentleman, ask any favors, or fear any result. He was glad, however, to see the indication of a better state of feelings. These resolutions expressed their disapprobation of any interference by one State in the domestic affairs of another State. As the gentleman from Maine [Mr. Ruggles] had given them a lecture from this resolution, he would not take a similar course in regard to him. It was an easy matter for gentlemen living at the extreme North to read a lecture to those of the South. He, however, preferred the resolution of the Legislature of Maine to the lecture. If it was wrong for those of the South to interfere with the domestic concerns of the North, it was as wrong for them to interfere in theirs of the South. As to the agitation, they had had the initiatory and the conclusion. He spoke of the number of petitions that had been sent here, which, in the aggregate, amounted to twenty-eight thousand, and adverted to the language of the petitions. They had called the petitioners incendiaries and fanatics, and the petitioners had called them immoral and irreligious. They could not take away the offensive character of the petitions by wrapping them up in honeyed words; they could not, knit up or intertwist the phraseology as they pleased. It was not fair or decent, in regard to them, to say this or that institution in the South is immoral. They were not called upon to plead to this matter. He rose merely to express his approbation of these resolutions. If this matter was to be stopped, it was necessary that the moral, intellectual, and legislative power of the country should be interposed. He entertained the hope that the thing was not so far gone as to be remediless.

Mr. MORRIS, in justice to the Senator from North Carolina, [Mr. Brown,] must say that his impressions were that his statements in regard to these petitions were correct. He had suggested to the Senator from South Carolina, when he gave him these petitions, that he was not to use them on the present occasion; and he had also informed him that, as soon as the present debate was over, he would lay them before the Senate, when all could judge whether the language was such as they deemed proper to be received, or otherwise.

Mr. CALHOUN was very happy that the Senator from North Carolina had at last made up his mind to reject petitions that were such as he would deem offensive in their language; and he hoped that he and all other southern Senators would in time see the propriety of rejecting all abolition petitions, no matter in what language they were couched, for, from the very nature of the subject they treated, they must be offensive to the South.

Mr. BROWN felt himself bound to explain, with a view to prevent any misapprehension on this subject. He did say that the epithets, which he had before repeated, were not, as had been represented, in any of the petitions which he had examined or had heard read, offensive as their language was. The gentleman from South Carolina has not been able, he presumed, to find the alleged epithets in the petition which he had then before him, and to which he had made reference, otherwise he supposed he would have read them to the Senate. He only draws inferences from certain vague and general expressions, having no immediate application to the people of the South. It was not that on which he had made the issue, but it was upon the existence of the fact, whether the epithets alleged to be used in the petitions were to be found in any of them. He had not been met on that issue but by constructions and inferences put on vague and general expressions, having no particular application as to the people of the South.

He had made this explanation, he would again repeat, in reference to the language of these petitions, to prevent highly colored pictures of their offensive language from going abroad, to add to the excitement already existing on this subject, and to repel the inference that him and his friends had voted to receive a petition couched in terms such as had been spoken of.

It is, sir, said Mr. B., a very great sin, in the estimation of some gentlemen, to vote to receive these petitions; but they must recollect that they set the example. He expressed the confident belief that both of the gentlemen from South Carolina voted, at the last session, to receive petitions of a like character. He could cite a dozen instances from the journal of the last session where they were received, on different days, by the unanimous consent of this body; and, more than that, were unanimously referred to the Committee on the District of Columbia; and certainly the gentlemen could not have been absent upon every occasion, with their known attentive habits to business. To enlist in a warfare with these petitioners on this floor, when their objects had found but few, if any, advocates here, was but little calculated to gain distinction or elevation for the South; he had, therefore, uniformly been in favor of that silent and contemptous course towards them, by which they always had been consigned to a neglect and insignificance, to them the most cutting and mortifying course of all others; and to the exertions of honorable gentlemen they were indebted for that notoriety which the present session of Congress had more than ever given them.

The Senator from South Carolina nearest to him, [Mr. Preston,] in alluding to some of his remarks, said that he would not tender his gratitude to the Legislature of Maine, because they adopted these resolutions; that they were nothing more than what the South was entitled to, and what the South had a right to demand. He trusted that he, too, felt that manly independence becoming a southern representative; he trusted that he, too, would never ask more than the South was entitled to receive; but he also trusted that he never should be insensible to those sympathies which bound together the different sections of this great republic, nor backward in expressing the pleasure with which he saw a kindred feeling cherished by his brethren of any portion of their common country. This was the ground that he took, and these were the feelings which called forth the animadversions of the Senator from South Carolina. He well knew the strength of the South, and its capability to protect itself against all attempts on its internal peace; on that he felt the most perfect reliance; but the resolutions just read from the State of Maine, he thought, ought to be hailed by every southern man as an earnest of the indissoluble ties which bound the North and South together, and of the strength and durability of the Union.

Mr. CALHOUN said the Senator from North Carolina certainly did not hear his remarks. The Senator from Ohio [Mr. Morris] had put the petitions in his hands, and suggested to him not to use them. He would now refer to some of the expressions found in one of these petitions; among them was the phrase, "traffic in human flesh," a phrase borrowed from the shambles, from the butchers, holding up to all the world, that the gentleman and his constituents treated human beings as they treated beeves. That was the first. The petition went on to say, that (dealing in slaves) "had been solemnly declared piracy by the laws of our own, and all Christian nations;" assimilating the acts of himself and those whom he represented, with the acts of those who seize Africans on the coast of Africa, and sell them for slaves. If he could lay his hands on the other petitions, he could point out the epithets he had quoted; but those he had given were, he thought, sufficiently offensive to justify a southern representative in voting to reject them. But he would read a little further. "It (slavery) was sinful because it violated the laws of God and man;" "because it (slavery) corrupted the public morals." This was some of the language of the petitions which had been withdrawn to make way for the Quaker petitions which were first tried in order to obtain the sanction of the southern representatives to that most dangerous of all principles, that they were bound to receive petitions, no matter in what language they were drawn. The Senator from North Carolina had mistaken him in supposing he had found nothing in these petitions that was as offensive as he had termed them. The Senator from Ohio, on putting them in his hands, had requested him not to use them at that time.

Mr. MANGUM would inquire of his colleague whether he understood him correctly in saying that he would feel it his duty to reject petitions only that were offensive to that body, or some member of it.

Mr. BROWN replied that he would vote to reject petitions that violated the rules of the Senate, by the use of language indecorous towards individual members of the body or to the body itself--rules which every parliamentary body had adopted.

Mr. MANGUM said he had so understood his colleague; but it was with undisguised astonishment that he heard such doctrines pronounced by those who set up as the exclusive representatives of the democracy of the South. Sir, said he, who gave us the right to exclude petitions because offensive to ourselves, and not to exclude them when they use offensive terms in reference to our constituents? Who are we, said he, that we are not to be touched but our feelings are outraged; and this great constitutional right of petition, about which so much has been said, is to be violated if our honor is called in question? He scouted such doctrine. If, said he, we have the right to reject petitions because our persons are reflected on, are we to be silent when eleven sovereign States are reflected on in terms of the grossest abuse, and denounced as dealers in human flesh, and likened to pirates? He should like to see how those gentlemen, who affected to be the exclusive representatives of the democracy of the South, shielded themselves from this dilemma. Was this a part of the democracy of the day, and the doctrine of those who, par excellence, termed themselves the real democrats, abhorring every thing in the shape of aristocracy?

He claimed for himself no exemption that he did not claim for those he represented; and when he could not cause the rejection of petitions outraging their feelings, he would claim no exemption for his own. They had been told by his colleague, that these petitions were offensive enough. He should like to know from him when they would be too much so. They had seen a wonderful facility in gentlemen endeavoring to lessen the odium of these abolition petitions. He had seen it in their endeavoring to prove that there was nothing to be apprehended from all these abolition petitions; that the whole was confined to a miserable, contemptible party; and yet the wings of every wind from the North had blown upon us these petitions and publications on the subject, without number. He himself had no fears. The abolitionists might go on subsidizing presses, and inundating the country with their publications and petitions. The South, if united, was able to protect itself against the whole non-slaveholding world. The real danger consisted in the South being divided; in their being put to sleep by calling out, "all's well," while the storm was rustling over their heads.

Mr. CALHOUN rose to say, the Senator from North Carolina [Mr. Brown] was utterly mistaken when he said that he (Mr. C.) voted to receive a petition on this subject. No vote of his would be found on the journal. He might have suffered petitions to pass at former sessions, when there was but a few of them presented. He confessed he had neglected this matter too long. The gentleman from North Carolina [Mr. Brown] said he (Mr. C.) had not made good his word. He (Mr. C.) thought the expressions in the petition to which he had referred were as strong as the terms used by him. It seemed, however, that the Senator cared for nothing but the precise words. He had shown that these petitions likened his constituents to pirates, and spoke of them as dealers in human flesh. This, he thought, was sufficiently strong to make good his position.

Mr. WALKER said that he did not rise to embark in any discussion of the abolition question, but to state some facts to the Senate. It had been said by the Senator from South Carolina, [Mr. Preston,] that twenty-eight thousand memorialists had subscribed these abolition petitions. Mr. W. said that, feeling a deep interest in this question, he had looked at the names of the subscribers to these petitions, and found that a majority, or nearly a majority, of the whole number appeared to be females.

[Here Mr. Preston said thirteen thousand were females.]

Mr. W. remarked that of the remainder it was perfectly obvious, on the slightest inspection, that a vast number were children; many of the names are made up of entire families, including all the children, male and female, and repeatedly all written by the same hand. Mr. W. even believed that at least three fourths of these petitioners were children or females, but the whole number would constitute but a small portion of a republic embracing now a population probably of fifteen millions. Mr. W. said he would make one further remark on this subject; he did it with regret; he had been pained to see the names of so many American females to these petitions. It appeared to him exceedingly indelicate that sensitive females of shrinking modesty should present their names here as petitioners, in relation to the domestic institutions of the South, or of this District. Surely they would be much better employed in attending to their domestic duties as mothers, sisters, wives, and daughters, than in interfering with a matter in regard to which they were entirely ignorant. Mr. W. said, he believed, if the ladies and Sunday school children would let us alone, there would be but few abolition petitions. At all events, the ladies and children could only be a subject of ridicule, and not of alarm, to the people of the South; more especially would the South not be alarmed by a few women and children, when we have this day presented to us the resolutions of the Legislature of the State of Maine, unanimously condemning abolitionism, in a manner admitted to be satisfactory by the Senator from South Carolina [Mr. Preston] himself.

Mr. BROWN observed that it was with very profound regret that he rose to detain the Senate for a single moment. Nothing could have been more unexpected to him, when he took his seat this morning, than to be engaged in a discussion of this nature; and he much regretted that he was now compelled, in self-defence, to continue that discussion. The gentleman from South Carolina [Mr. Calhoun] said he never voted to refer petitions of this kind to the Committee on the District of Columbia, and that no such vote of his was to be found recorded on the journal. Mark the words, Mr. President, "recorded on the journal." But there were numerous petitions on this very subject, both at the last session and the session before, that were unanimously referred to the Committee on the District, without one word being heard from any quarter in disapprobation. Now, he would ask, was it probable that the gentleman was absent on all these different occasions? Would it be pretended for a moment that when the question was propounded, "Shall these petitions be referred to the Committee on the District of Columbia," and no member objecting--would it be pretended for a moment, when such a question was propounded, and the gentleman from South Carolina sanctioned the reference by his silence, that he did not vote for it as essentially as if his name had been recorded on the journal? Indeed, (said Mr. B.,) the denial of the Senator that any such vote of his was recorded on the journal, was a distinction without a difference.

His colleague [Mr. Mangum] had made some remarks that he (Mr. B.) thought, at any rate, were pointed with no little application to himself. That gentleman, too, had discovered that it was one of the upardonable sins of a southern representative against southern rights to vote for the reception and reference of petitions on the subject of abolition; votes, let it be remembered, that had been given from the earliest periods of our legislative history, by as high-minded, chivalrous, and patriotic republicans of the South--democrats, if it suited the gentleman better--as any who now claimed to be the exclusive advocates of southern rights. He would venture to assert that there was no southern representative, who took his seat previous to the present session, but had given the same vote. They, too, had committed this unpardonable sin; but the hidden influences of this mysterious session of 1836 had suddenly dissolved the sleep in which they were enwrapped; and they had as suddenly discovered that it was an outrage on southern rights and southern honor to receive petitions of the same nature with those they had voted to receive and refer again and again.

[Mr. Mangum here interrupted Mr. Brown, by saying that he never gave such votes.]

Mr. Brown continued. He would ask the gentleman if he was not present when abolition petitions were received, and when the question was propounded, "Shall the petitions be referred to the Committee on the District of Columbia;" and whether he did not, by making no objection to the reception and reference, give his unqualified acquiescence to both?

[Mr. Mangum said that he did not know whether he was present on such occasions.]

Mr. Brown resumed. But there was one petition that had been presented as late as the commencement of the present session, when the honorable gentleman from Tennessee [Mr. Grundy] moved to lay it on the table. He believed that his colleague was in his seat when that motion was made, and he did not remember that he made any objections to it. His colleague had thought proper to indulge in some gratuitous advice to him as to what ought to characterize the conduct of a southern representative when petitions reflecting on his constituents were presented. He was not in the habit of gratuitously giving his advice to any one, much less to his colleague; but, if he was, he might say to him that he who was so ready to give gratuitous lectures to others ought to learn first to obey them, and that very wholesome admonition had been given him from a highly respected source, which he would do well maturely to consider.

It was said, both by the Senator from South Carolina and by his colleague, that he ought to have resisted the reception of these petitions, because they were offensive and indecorous in their language to those whom he represented. What, sir, (said Mr. B.,) petitions from women, and a parcel of children!--for it had been proved that a large number of these petitioners were women and children. What, sir, (said Mr. B.,) my high-minded and intelligent constituents offended at the impotent acts of ignorant and deluded minors and females. Sir, said he, my constituents are possessed of a degree of intelligence, gallantry, and high-mindedness, that would give a different answer to these ignorant and misguided petitioners than that proposed by my colleague. It would be that of silent contempt.

Without going any further on this part of the subject, he would express it as his solemn belief, before God and the whole world, that all this agitation and excitement on the subject of abolition had not been produced by the miserable fanatics, of whom so much had been said that session, but it had resulted, in part, from the designs of a more sagacious political party, for the purpose of operating on the South at an important crisis. The time at which it had commenced, the manner in which it had been carried on, the avidity with which it had been seized upon and trumpeted forth by the presses of a certain party at the South--all these had produced, in his mind, a conviction that it would require a world of proof to shake. The time when these incendiary publications were first thrown abroad in such masses was when the elections in North Carolina, Alabama, and Tennessee, and shortly afterwards in Georgia, were about to commence; it was on the eve of the important elections in those States that these publications were precipitated upon the South; and yet it had been said that these incendiaries were the friends of the party now in power. What, sir! The friends of a certain political party to deluge the South with publications on a subject of such delicacy, and so well calculated to be used by their opponents to their disadvantage! Could any thing be more absurd than such a supposition? No, sir; it was another party, and far more sagacious and calculating in their designs than the deluded zealots who were used to subserve their political purposes; and what most powerfully corroborated this opinion was the fact that the presses of this party immediately seized upon these incendiary publications, so opportunely thrown out, and wielded them with great force and ingenuity against their opponents. He repeated that the whole was not a fanatical movement, but that it had a political party in alliance with it, and shown so plainly to be so by subsequent events, as hardly to need a confirmation. How then could he, as a southern man, give his vote to deny the right of petition, and sanction designs which, from the beginning to the end, he utterly condemned? How could he, as a southern man, give his vote to uphold a deep-laid party scheme, as, he believed, that had been floating for a time on the tempestuous waves of political excitement, but that was destined inevitably to subside into its original insignificance with the occasion which produced it.

Sir, (said Mr. B.,) the course I took was dictated by the highest considerations of public duty, and flowed from a jealous regard of the rights and honor of the South, as well as a sincere and ardent attachment to the Union. It was to aid in reprobating the attempts to desecrate the social relations and domestic peace of the South by the introduction of this dangerous question into her politics, creating an unreasonable and unfounded jealousy of our northern fellow-citizens, and weakening the bonds of this Union to subserve the unholy designs of party: it was for these reasons that he had taken the stand that he did. And gratified he was at the result; for every thing that had transpired on this subject since the commencement of the session had only tended to show that the attachment of the people to this Union was not to be shaken, and that it rested on the most firm and abiding foundations. These were the reasons which induced him to take the course he did. And was he to be told that he was recreant to the South, because he had done that which had been done on repeated occasions by those quite equal in intelligence, patriotism, and chivalrous southern feelings, to those who now claimed to be the exclusive defenders of southern honor? Was he to be accused of dereliction of duty to the South for voting to receive petitions on the subject of abolition, by those who were present on repeated occasions, when such petitions were not only unanimously received, but referred to one of the standing committees of that body, without raising the slightest objection to the reference? He knew that the South had too much strength within her own bosom to be unnecessarily alarmed; and he knew that she had too much intelligence to permit herself to be excited to her own injury by the cry of wolf! wolf! when there was no danger.

He had conceived it to be his duty to make these few remarks principally in self-defence. There was nothing farther from his intention, when he took his seat this morning, than to engage in a discussion of this nature; for he had hoped that this spirit of evil omen had received its death blow, and that it would be no more revived this session. He regretted that the gentleman from South Carolina had thought proper on an occasion like this, when the resolutions of Maine came bearing the olive branch, to receive them, not in the spirit of peace, but in the spirit of discord.

Mr. PRESTON said that three years ago, when he took his seat in this body, a petition on this subject was presented. He was unacquainted with the practice of the Senate, and looked round him to see if some one more experienced than himself was not going to rise, and seing none, he rose and made the question of its reception. But gentlemen from all parts of the Senate rose, and said it had been usual to give petitions of that kind a particular direction, where they quietly remained, without being heard of more. A Senator from Maryland said that was the lion's den for these petitions. He was willing they should be laid on the table, or despatched in any other way, and acquiesced. But did not the gentleman from North Carolina [Mr. BROWN] see a different state of circumstances now? The Quakers had said they had pressed it year after year without interruption, and there were more petitions presented this session than had been since the commencement of this institution. If a mischievous boy threw a cracker on the floor of the Senate, and the Sergeant-at-arms trampled it out, it was a small matter. But when the building was surrounded by incendiaries, with torches in their hands, were they not to be roused from their lethargy? He was not going to be impelled to mix up this matter with politics, which separated father from son, and party from country, and mingled them in its own vortex. While a portion of them were alarmed, while they counted by hundreds and by thousands what used to be units, philosophy taught them distrust on both sides. While the gentleman from North Carolina [Mr. BROWN] says party feelings on our side have induced this alarm, let us say party may have its influence on his side. He (Mr. P.) entreated gentlemen, when they called them alarmists, to bear in mind that there was another party saying peace! peace! where there was no peace. Which was the safe side, to magnify or diminish the danger? Were they to fold their arms, and wait till the presidential election was over? They might then find a storm too violent to resist. He did not say whether party had been mixed up with this matter. But it was said they had falsely raised the cry of wolf! wolf! The shepherd's boy cried wolf! wolf! when the shepherd was asleep, and the wolf came!

Mr. RUGGLES remarked, that in presenting to the Senate resolutions which had been so cordially approved by the Senators from the South, he had not expected that a debate would have ensued, characterized as this had been. The sentiments and opinions contained in those resolutions, he had supposed, would be consolatory to southern feeling, and they had been warmly approved from that quarter. One of the resolutions asserted that all public discussion of the question of slavery had been arrested and suppressed in Maine by a decided expression of public disapprobation. Gentlemen say they heartily approve of these resolutions, and he regretted that they had not on this occasion given a practical illustration of the sincerity which he had no doubt they felt, in expressing their approval of the suppression of such discussions. The circumstance of their having passed without any exciting and agitating debate, he had ventured, with great deference, to commend to favorable consideration. He said that he himself had been so favorably impressed with it as an example, that he should follow it on this occasion, by abstaining from any discussion of the matter, and should move that the resolutions be printed, and hoped the question would be permitted to be taken without further debate.

The resolutions were then laid upon the table and ordered to be printed.

GRANT OF LAND TO MISSOURI.

The Senate proceeded to the consideration of the bill granting a certain quantity of land to the State of Missouri for internal improvements.

Mr. BENTON explained the object of the bill. The principle, he said, contained in this bill, had been voted for in the general land bill, distributing the proceeds of the sales of the public lands among the States. In drawing it up, however, he had only provided for the State of Missouri; and those gentlemen representing new States that had not received any donations for public works, might now offer amendments to provide for them; while those representing States that had received grants might move to amend it, by adding grants for so much as would make, together with what they had received, the same number of acres as was granted to Missouri by this bill.

Mr. WALKER moved to amend the bill by inserting a grant of 500,000 acres; and, on Mr. NICHOLAS'S moving to insert a like grant for the State of Louisiana, accepted the motion as a modification of his amendment.

Mr. KING, of Alabama, then moved to amend the bill by inserting a grant of so much to each of the States of Alabama, Indiana, and Illinois, as would make, with what the said States had already received, 500,000 acres each.

After some remarks from Mr. EWING.

Mr. CRITTENDEN felt little interest in the question involved in the discussion between the gentleman from Missouri [Mr. BENTON] and the gentleman from Ohio [Mr. EWING] as to who had received the most of the public lands. For his part, he was satisfied the State of Ohio had received enough. If it was unjust to grant these lands to Ohio, he did not feel bound to follow up that injustice in regard to other States. He had risen to state, so that he might not be misunderstood, that he would vote for these amendments, and after that he would vote against the whole bill. He regarded it as an act of the most flagrant injustice, and partial legislation. If it were termed liberality to the new States, it was injustice to the old ones. He was constrained, by a sense of justice to the old States, to place himself in opposition to the whole bill. What had these new States done to merit such liberality on the part of the general Government, except encountering the difficulties of settling a new State? There was not one half the difficulties in settling them that were encountered in the settlement of Kentucky. In fact, Kentucky and Tennessee were the pioneers to the settlement of the new States. Until a mere matter of favor could justify the Senate in going on with these partial grants, he must oppose them. And until a proper disposition should be manifested towards the old States, as well as the new ones, he should vote against it.

Mr. CLAY presumed there was no intention, on the part of the Senate, to pass this bill, either as originally reported or in any shape the amendments might present it; and, presuming that it would be rejected on its third reading, he thought it would prevent delay to take the question as to the final disposition of it at once. He therefore moved that it be indefinitely postponed.

Mr. BENTON said he had been treated in a manner which outraged all the rules and the courtesies of parliamentary proceeding; his own bill had been taken away from him and put into another, which he detested, and against which he voted, and thus voted against his own. He had borne this treatment for years, but he should bear it no longer without availing himself of every motion and of every effort known to the rules of the House to correct the wrong which had been done him. Four or five years ago he brought in this bill to grant to Missouri 500,000 acres of land, for the purpose of internal improvement. It was only half the quantity which had been granted to Ohio for similar purposes. The bill had been favorably considered by the Senate, and was ordered to a third reading. In this state the Senator from Kentucky [MR. CLAY] had got it incorporated in his distribution bill, where he (Mr. B.) had to vote against it, and where it had shared the fate of that bill, being vetoed with it. It was now in the same distribution bill, and must share its fate a second time, be that fate what it may. Certainly he (Mr. B.) would vote against it for ever in that bill; and it was nearly certain, looking to the President's messages, that it would be vetoed again, even if it passed Congress.

Mr. B. said his bill had a right to stand or fall upon its own merits. It ought not to be subjected to the fate of the distribution bill, and would have none of the main objections of that bill to encounter. It had repeatedly received the vote of majorities while in that bill, and he presumed would receive the vote of majorities again. The gentleman from Kentucky nearest to him [MR. CRITTENDEN] might consistently vote against it, as he intimated an intention to do, for he had never voted for it in the other bill; but the case was different with the Senator from Ohio, [MR. EWING;] he had voted for it often in the distribution bill, and might vote against it by itself, and justify himself as he could for the contradiction. It was perfectly immaterial to him (Mr. B.) what the plea of justification was. He knew that the grant was either right or wrong; if wrong, it ought not to be voted for in the distribution bill; if right, it ought not to be rejected in its own bill.

The whole proceedings, he said, had been not only a violation of parliamentary rules and proprieties in respect to him, but an injury to the State of Missouri, and besides that, an insult to her. That State wished to have the grant; she was entitled to it, upon the same principle that Ohio had received a million of acres, Alabama 400,000, and Illinois and Indiana nearly half a million each. This she was entitled to, and the Legislature of the State had passed resolutions claiming the grant, and had also passed resolutions against the land distribution bill. In this State of the question, it was not only a wrong, but it was an insult to the State to take the grant which she had asked for, and put it into a bill which had received a veto, and would almost certainly receive it again, and against which she had instructed her delegation to vote, and thus say to her, in effect, that she should not have the grant she applied for, unless she would take also what she objected to; and it was laying her Senators under the necessity of voting against a grant to their own State. This had happened. He had voted against the grant himself, when found in the land bill of the Senator from Kentucky, [MR. CLAY,] and the newspapers of a certain party had taken great pains to emblazon that vote; but the intelligent and high-spirited people of Missouri sustained him in his course, and were indignant at the outrage to herself, and the trick upon her Senator.

Another feature of this case Mr. B. would mention. His bill had been buried in the Land Committee of 1833-'34, for seven months. He brought it in as soon as Congress met; it went to the Public Land Committee, and it remained there till the end of the session in June, and was then returned among the unconsidered business of the committee. [Here Mr. B. inquired of the Secretary who composed that committee? The Secretary gave him the list of the names. He read some of them—Mr. Poindexter, Mr. Clay, Mr. McKean, &c.] He said that a member of the committee told him he had never heard of it in committee; and when at the end of the session his bill was returned among the unconsidered business of the committee, he had called the attention of the Senate to the fact, by way of showing how his bill had been treated, and he had also sent an attestation of the fact to the Governor of the State, to be shown to the members of the General Assembly. Thus had he been treated, and not himself only, but the State whose Senator he was, and whose interests were thus trampled upon. For several years he had annually brought in this bill. It was now before the Senate again, and in a duplicate form. It was in a bill by itself, and it was also in the land distribution bill. In the latter bill it could never pass; in the bill by itself it might pass, and certainly would, unless the spectacle was exhibited of those refusing to vote for it in one bill and voting for it in another. The Senator from Ohio [MR. EWING] intended to exhibit that spectacle for one, but he knew of no others, and presumed that the majority of those who voted for it in one bill would do it in the other; as right was right, whether it was found in this bill or in that of the Senator from Kentucky, [MR. CLAY.]

Mr. B. said that six of the new States were interested in the bill. They all claimed grants on the same principle that Ohio has obtained hers. Ohio had received a million and six thousand acres for internal improvement. This quantity was stated to him in writing by the late Commissioner of the Land Office, (Mr. Hayward.) Missouri, Mississippi, and Louisiana, had received nothing; Alabama, Indiana, and Illinois, had received less than half a million each; and his bill proposed that each of these six States should receive half as much as Ohio. The application was moderate, for they might well demand the same quantity that Ohio had received. All of them had the same interest in the issue of his motion; for all these grants had been seized upon, and crammed into the distribution bill, to swell the mass of temptation which that bill held out; they had all been vetoed in that bill, and would, judging from the President's messages, be vetoed again, if kept in it. They should all go in a bill by themselves. They were in a bill by themselves before they were ingulphed in the maw of the distribution bill. They had been in that maw about as many years as Jonah was days in the whale's belly; and he now meant to get them out of it; and must appeal to the justice of the Senate—it was the first time he had ever made such an appeal—he must appeal to their justice to restore him his bill, and let it stand or fall upon its own merits.

Mr. EWING, of Ohio, said there was a slight difference between the Senator from Missouri, [MR. BENTON,] and himself. He had combined the amount of lands given to Ohio with grants for colleges and salt reservations.

[Mr. BENTON meant grants for internal improvements alone.]

Then, said Mr. E., he is mistaken as to the amount. He [Mr. BENTON] asked whether we intend to vote in good faith. I do not, said Mr. E., vote in good faith or bad faith for any particular State. I vote in good faith for what I believe to be the benefit of all the States.

Mr. PORTER would vote for both the amendments and the bill with the same readiness that he would vote for the general land bill, as an act of justice to Louisiana and all the new States. He should also vote for the general land bill, for the surplus revenue had so increased that he saw no other way of getting rid of it on fair principles. He should vote for the grant to the State of Missouri with other new States, as a general clause. He thought the Senator from Missouri [Mr. BENTON] entirely too sensitive about the course his bill had taken; there might be good reasons why Senators from old States refuse to vote for it now, and were willing to vote for it in the general land bill.

Mr. CALHOUN inquired whether the principles contained in this bill were not contained in the bill of the same nature introduced by the Senator from Mississippi.

Mr. WALKER replied that the equalising principle was.

Mr. CALHOUN said that the bill introduced by the Senator from Mississippi had been referred to a select committee, and they ought at least to wait for the report of that committee, before they proceeded further with this bill. He would move, therefore, to lay it on the table.

The question was then taken on this motion, and it was decided in the affirmative: Yeas 26, nays 8, as follows:

YEAS—Messrs. Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Golsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, McKean, Naudain, Niles, Prentiss, Preston, Robbins, Shepley, Swift, Tomlinson, White—26.

NAYS—Messrs. Benton, Black, Linn, Nicholas, Porter, Robinson, Ruggles, Walker—8.

On motion of Mr. WHITE, the Senate then proceeded to the consideration of executive business; after which it adjourned to Monday.

MONDAY, APRIL 11.

DUTIES ON WINES.

Mr. DAVIS, from the Committee on Commerce, reported a bill to suspend so much of the act imposing discriminating duties as applies to the Portuguese islands, and to reduce the duties on wines.

Mr. DAVIS made a motion that the bill should be passed through its first and second reading at this time, giving, as the reason which operated on him to submit the proposition, the fact that it was extremely desirable to cherish the trade with Portugal, who took from us a large quantity of our lumber, staves, fish, cotton, flour, and tobacco. The President had been urged to abolish the discriminating duties in this case, by proclamation, and thus to put our trade with Portugal on the same footing with that of Great Britain; and this arrangement with Portugal ought to have been made long ago. The duties on wines might be diminished one half without producing any injury to the revenue, any encroachment on the principles of the compromise act, or any discouragement to our industry. It was unanimously recommended by the committee, and he hoped would be unanimously agreed to by the Senate.

The bill was read a first time, and considered as in Committee of the Whole; when,

On motion of Mr. KNIGHT, the bill was so amended as to make the reduction take date from and after the "30th day of June," instead of "1st day of July."

The bill was then ordered to be engrossed for a third reading.

WISCONSIN TERRITORY.

The Senate proceeded to consider the amendments made by the House of Representatives to the bill to establish a territorial Government in Wisconsin.

Mr. CRITTENDEN moved to disagree to the first amendment of the House, which reduces the salary of the Governor, and, after some brief remarks from Mr. CLAYTON, Mr. KING of Alabama, Mr. GRUNDY, and Mr. BENTON, the motion was agreed to: Yeas 18, nays 11.

Mr. EWING, of Ohio, moved to amend the third amendment of the House, which appropriates $20,000 for the public buildings, by striking out twenty, and inserting ten, but the amendment was negatived.

The other amendments of the House were then concurred in.

INCENDIARY PUBLICATIONS.

The Senate then proceeded to consider the special order, being the bill prohibiting deputy postmasters from receiving or transmitting through the mail, to any State, Territory, or District, certain papers therein mentioned, the circulation of which, by the laws of said State, Territory, or District, may be prohibited, and for other purposes.

Mr. KING, of Georgia, rose and said he had intended to say something upon the subject before the question was taken on engrossing the bill, and, as the Senator from Carolina so wished it, he would as soon say it then as at any other time. He should support and vote for the bill; and if the chairman of the committee had been content to report the bill without his reasons for it, no discussion would have arisen between them on the subject of the bill or the bill itself. But as his support of the bill might be taken as an implied assent to the principles of the report, he must say enough to set himself right on that point.

He said before and since the President had recommended the subject to the consideration of Congress, he had thought the subject was clear of all constitutional difficulties. He did not recollect to have heard the constitutional power of Congress over the subject seriously doubted until the President had made reference to the subject in his message. That there were difficulties in the details of legislation necessary to fasten upon the mischief complained of, had been anticipated by many.

But (Mr. K. said) positions had been assumed and principles insisted upon by the Senator from Carolina, not only inconsistent with the bill reported, but, he thought, inconsistent with the existence of the Government itself, and which, if established and carried into practice, must hastily end in its dissolution. He did not believe the Government could stand a twelvemonth if we were to establish as a fundamental principle that principle of permanent necessity for a collision between the State and general Governments which he thought might be deduced from the principles of the Senator from Carolina, as laid down in his report. What were these positions? Why, it was insisted that Congress had no power so to modify its laws under the Post Office power as to refuse to transmit matter intended to abolish slavery in the slaveholding States; because,

1st. Such legislation would abridge the freedom of the press; and

2d. Because such legislation by Congress would assume a power fatal to the rights of the States.

He thought the second objection the most extraordinary of the two, but would notice them in the order in which they had been treated in the report.

He said it was right, however, in the first place, upon all constitutional questions, for a correct understanding of the subject, that we should consider the extent of the powers granted to this Government; and then make an analysis or classification of the powers, in reference to the object of the grant. We had then only to establish a reasonable and proper connexion between the objects of the grant and the objects of the legislation proposed, and we had the power required.

It would be admitted that the Government of the Union was a Government of limited powers. It was established by the people of the United States, in part, and principally for the control and enjoyment of such rights and interests as experience had taught them they could best enjoy in common. But whilst established in part for this purpose, it was, to a certain extent, as much the object of the national association to add additional securities to the independent enjoyment of the separate rights of the States, as such, as it was to concentrate the powers of the whole for certain national purposes.

Under the State Governments, the people enjoyed their nearest and dearest rights. The whole system of their domestic economy was protected and regulated under these jurisdictions. They surrendered none of these rights, of a purely local character, by the adoption of the constitution; but, on the contrary, they added additional securities to them by force and virtue of the national association. There were many instances of this; but the most appropriate, and enough for his purpose, was the right of the slaveholder to reclaim his fugitive slave on every foot of the territory of the Union. This was a State right not previously possessed, and which the slaveholders acquired by virtue of the constitution itself; and the slaveholder had a constitutional right to the whole power, moral and physical, of this Government to enforce it. He referred to this only to show that, under our system, the action of the general Government should have reference to State rights, when those rights were recognised in the constitution, and secured by it.

It was unnecessary (Mr. K. said) to refer to the powers of a purely national character; suffice it to say, that both Governments, State and federal, were established by the people for their own purposes. These purposes were not inconsistent with each other, and never could be made so under a correct administration of both Governments. And it was as much our duty, in legislating under the constitution, to legislate in reference to the local and peculiar rights of the States, when those rights were recognised in the constitution itself, and by the constitution secured to the States, as it was so to legislate as to secure the objects of the Government when purely national.

The constitution of the United States, he said, like every other instrument, should be taken as a whole, and so construed as to make every clause effectual, and give consistency to all its parts, and this without bringing the action of the Government under one clause into collision with its action under another.

The President, then, had recommended Congress to pass a law so regulating the action of the Government under the Post Office power as to withhold the agency of the mail in the transmission of certain matter, the acknowledged object and evident design of which was the destruction of an interest recognised in the constitution, and by the constitution secured to the States.

Under what classification of powers did such legislation fall? Mr. Madison, in his classification of powers granted to the general Government, had spoken first of the powers to secure the country against foreign danger; secondly, for the regulation of foreign commerce; and, thirdly, of the important and extensive class "for the maintenance of harmony, and a proper intercourse among the States." What (inquired Mr. K.) are the specific powers making up this class? It was unnecessary to enumerate all of them; the most obvious would occur to all. They were also enumerated by Mr. Madison; and besides the power to regulate commerce among the several States, and others, was to be found the power "to establish post offices and post roads." The power "to establish post offices and post roads" was then a power belonging to that class given to the Government "for the maintenance of harmony, and a proper intercourse among the States." It was, of course, auxiliary to every other power belonging to this class, but could not be made inconsistent with any of them. The power was granted in a general and simple form; it was not stated what we should carry by mail, or what we should not carry. This was left to be limited only by the purposes of the grant, and to be reconciled with the other provisions of the constitution. With this limitation, like every other general grant, it was submitted to the discretion of Congress, who have power "to pass all laws necessary and proper to carry into execution the powers granted" in the constitution.

Mr. K. then asked if the existing laws, which authorized the transmission by mail of abolition papers from the non-slaveholding to the slaveholding States, were laws "necessary and proper" for the maintenance of harmony, and a proper intercourse among the States?" Were they necessary and proper for the preservation of an interest they were intended and obviously calculated to destroy? No; they were unnecessary and improper for this or any other constitutional purpose. And yet it was said by the Senator from Carolina that we had no independent power to modify or repeal them; we were under the strange necessity of doing wrong, until the States might meet, and legislate, and compel us to do right; thereby creating a fundamental necessity for a collision between the two Governments. Why, (said Mr. K.,) so far from being compelled to carry these abolition papers, in the spirit of the constitution we have no power to carry them. This resulted (he said) from the acknowledged right of the States to stop them. All admitted this right in the States; and upon what principle was it? It was simply on the principle that the circulation of such matter was not necessary for national purposes, and was inconsistent with the rights which belonged exclusively to the slaveholding States. If we had a right to send them, the States had no right to stop them. In sending these papers by our laws, we assumed the right to send them. This assumption was either right, or it was wrong. If right, the States had no right to interfere with us; and if wrong, we should give them no occasion to do so. Rights (he said) might be co-existent and concurrent; but they could never be co-existent and inconsistent. Having no right, then, to use any means inconsistent with the acknowledged rights of the States, we could not be compelled to do so through the Post Office power, which was limited by the purposes of the grant, and should be carried into effect by laws "necessary and proper" to effect the purposes for which the power was granted, and not to effect purposes for which the power was not granted. If these positions were true, it was plain that Congress had a right to regulate its own action under its own power, with a due regard to those rights of the States recognised in the constitution, and it was the duty of Congress to do so.

Mr. K., after laying down these general principles, proceeded to notice the specific objections. The first (he said) was, that any modification of our laws, preventing the circulation through the mail of abolition matter, would abridge the freedom of the press. And where did gentlemen, under this sacred right of the freedom of the press, obtain for the abolitionists the right to use this Government as an involuntary instrument for the abolition of slavery in the slaveholding States?

They claimed it under the amendment of the constitution which provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances." Now, (said Mr. K.,) those who have been here during the session must feel somewhat astonished at the awful respect which is paid by the Senator from Carolina to one right secured by this amendment, when they recollect the unceremonious manner in which he treated another, expressly secured in the same article. It would be seen (he said) that this was the same article in which the right of petition was expressly secured to the worst as well as the best citizens, and to petition for the worst as well as the best objects. And yet the Senator had refused to receive petitions on the subject of slavery, and had agitated the country for months, by making war on a parcel of women and children, disappointed old maids, and boarding-school misses; the former class having perhaps lost all sympathies with the world, and the latter not having learnt any thing about it. These petitioners, such as they were, were not permitted, under an express right, to ask Congress in its discretion to abolish slavery in the District of Columbia, whilst the same Senator, under the same clause, looked beyond the constitution for a remote implication, to secure to the same persons the active and efficient agency of the Government to abolish slavery in all the slaveholding States.

He said, although the Senator had been long a politician, he seemed very subject to the emotion of astonishment during the present session, and on one or two occasions had expressed astonishment at him, (Mr. K.) As for himself, however, only a few years in politics, he had already ceased to become astonished at any thing, or he should be amazed at the different positions assumed by the Senator on this same amendment of the constitution.

By petitioning Congress (he said) the petitioners could do no harm, unless Congress did it for them. They gave us notice of their existence and designs in the least dangerous way, unless we made it dangerous. No one ever intimated that to refuse to receive these petitions would diminish the number of abolitionists; on the contrary, it was well known it would increase them; and whilst they were in the country plotting mischief, he wished to know who they were, where they were, and what were their views and designs. All insisted this was important information for the South; and as a southern man, if he had his wishes, he would like for every abolitionist, man, woman, and child, in the United States, to petition Congress on the subject, if he could only be assured that their petitions would be prudently treated. These petitions not only gave us the sentiments and designs of these people, and showed us where they lived, but kept the South advised of the feelings of Congress on the subject, which was all-important to that section of country. With such admonition, the South could never be taken by surprise. In every view of the subject, even on the score of expediency, the more he had reflected the better was he satisfied with the course he had proposed on the right of petition. Something was gained by receiving, and certainly nothing lost by it. He was led to this short digression, (he said,) upon a motion long since disposed of, in consequence of the subject having been revived by the Senator, [Mr. CALHOUN,] who had again cast censure on those who had voted against his motion not to receive petitions.

Mr. K. then returned to the first position in the report, and asked, what was the freedom of the press? How was it secured? For what purposes, and to whom? The security provided for the freedom of the press was, by a restriction on the national Legislature, intended to prevent any active interference with that right, as it existed in the States at the time the constitution was adopted. The provision was only declaratory of a pre-existing right, accompanied by an engagement not to disturb it. That freedom consisted in the right to print and publish whatever might be permitted by the laws of the State, whose citizens insisted upon the right. The privilege was a reserved one, and could not be disturbed within the jurisdictional limits of any State, by any active interference of the general Government whatever. But as the right was a State right, as the privilege was a local one, (and so acknowledged in the report,) it could not be extended by expression or implication, or by State or national agency, unless some paramount constitutional purpose required it. Did any such paramount constitutional purpose require the extension here? He thought not. The right, like every other constitutional right, must be reconciled with other constitutional rights secured to the citizen in the same instrument. Most of the States, he believed, had similar provisions in their own constitutions for the protection of the freedom of the press. And yet it had never been seriously, or at any rate successfully, contended that such provision was a protection to the libeller or slanderer; and why? It was because such an extension of the privilege would be inconsistent with other private rights, secured to the citizens under the same constitution, and was not at all necessary to the reasonable and useful enjoyment of the right. Each provision could be made effectual, and answer all its useful purposes, without any conflict between them. Any claim, then, (said Mr. K.,) which the freedom of the press has to our attention in this place, especially when the claim is an implied one, must be reconciled with other claims secured to the citizen under the same constitution. The rights of domestic slavery were State rights; the freedom of the press was a State right; and they could be easily reconciled on the principle that they did not necessarily interfere with each other, and should not be permitted to do so. The freedom of the press in the State of Maine should not interfere with the rights of slavery in the State of Mississippi. As domestic slavery in Mississippi should not interfere with the freedom of the press in Maine, and as the States could not interfere with each other in these State rights, how could they ask the general Government to lend them its agency to do so, when that Government was, by its constitution, bound to protect and respect both rights?

How, then, did we abridge the freedom of the press by withholding the national agency from all means calculated to abolish slavery in the slaveholding States, when the national Government had no power for this purpose, either expressed or implied? We do not, said he, propose to prevent the printing and publishing, or even the circulation, of any matter permitted by the laws of the respective States within the limits of the States where printed and published; and as the right was acknowledged to be a State right, it could not be further insisted on, except for purposes purely national, and therefore not conflicting with the rights of other States. The power was given to keep up a social, friendly, and commercial intercourse among the people of the States; and, so far as it extended, an intercourse among the people of the different States; it was the creature of the constitution, must be confined to its objects, and could not be used to destroy an interest which we had no right to touch, and which, on the contrary, by the constitution, we were bound to secure.

Further, Mr. K. said, it was admitted that, if the freedom of the press was infringed by such modification of our laws as proposed by the President, it was done by implication. Was there, then, any implied right in the citizen to claim an involuntary agency of the general Government in the circulation of any matter beyond the limits of his own State, which by the laws of that State might be there printed and published? If so, from what source was such a right derived? It could only attach, as a necessary and proper means, to some constitutional end. What was that constitutional end here? The Senator from South Carolina insisted that the right to print and publish implied the right to circulate; and, as the Post Office power was surrendered to the general Government, there was an implied right to claim the agency of that Government in the circulation of whatever a State might permit to be printed and published. As the right to print and publish was acknowledged by the Senator to be a local and State right, it was a little strange how the incident could be extended beyond the principal power. The truth was, that the Post Office power was itself a distinct power, and could only be called on to execute its own proper purposes, or by implication as necessary and proper to some other constitutional end. And he again asked, what was that constitutional end here? The abolition of slavery in the slaveholding States? It could be none other. And was that the constitutional end which so irresistibly drew after it, as an incident, the involuntary agency of the Government in the circulation of matter calculated to abolish slavery in the slaveholding States? When the question of connexion between means and ends was proposed to us, we must decide it; and we here saw plainly an unconstitutional mean insisted on because it proposed an unconstitutional end. But the Senator from South Carolina most strongly insisted, he said, that an implied right, claimed for an unconstitutional purpose, should defeat the exercise of an express power when that exercise was proposed for a purpose acknowledged to be constitutional. He would ask the Senator how it was possible to abridge a liberty of the citizen, by denying to him the means of doing that which he had not liberty to do.

He thought, then, that it was perfectly plain that the freedom of the press could not, by implication, be made to control an expressly delegated power, for purposes inconsistent with the objects of that power and the general purposes of the national compact. It could not, in this case, be made the cloak for any such unauthorized mischief as that which was placed under its protection.

Mr. K. said the construction put upon another law[*] had been referred to in the report as authority; but it was plain there was no analogy whatever; for in that law printing and publication were directly acted on within the States, and that by the assumption of a power nowhere granted. Unauthorized power was assumed to violate rights expressly reserved to the States, whilst here we exercise a power expressly granted in such way as to respect the rights of the States. Mr. K. took leave of this branch of the subject, and proceeded to notice the second ground; that such a regulation would assert a power fatal to the rights of the States.

Mr. K. said that he had already stated that he thought this a most extraordinary position; and, when considered in reference to the subject, he still thought so: the Senator had stated that it was perfectly plain that if we could say what we could not carry, we might say what we would carry, and enforce its circulation. This might be very plain to the chairman of the committee, but it was very far from being plain to him, (Mr. K.) Propositions, the identity of which depended on easy conditions, were very convenient and popular with popular reasoners, from the great latitude which they gave to the speaker, and the inexhaustible material for argument which they usually afford. By the use of them the orator could frequently let himself off into a train of easy reasoning, without any assignable limitation whatever. He had the advantages of the theory of the Northern diver, (whose name he had forgotten,) whose theory was, that it was just as easy to do one thing as another. He believed, however, that he had furnished a practical refutation of his own theory in the end, for he had found it perfectly easy to leap down from an elevation of one hundred feet into a gulf of water below, but did not find it so easy to leap back again. The error of the chairman of the committee, he said, (if it be one, and he believed it to be, with all due respect,) seemed to him to have arisen from a misapprehension of the nature of the question he was deciding. The question was one on the affirmation of power under a limited constitution. We could run with the current of constitutional authority, but we could not run against it; and the Senator might just as well say that, if a man had power to swim down the falls of Niagara, it was perfectly plain that he had power to swim up them. We never asserted a right to exceed a limited power by acting strictly within it. The army (he said) was confided to the general Government; but a protection was also provided to the citizen in the constitution against the quartering of soldiers on him in time of peace. According to the doctrine of the report, if we were to pass a law to make that protection efficient, and as a matter of discipline punish the officer for a violation of it, we would thereby assert the power to violate the right at pleasure in face of the constitution. As a further illustration of the doctrine of the report, he instanced the proprietor of a freehold, who had full authority on his own estate, but had no power to cross the line and trespass on the land of his neighbor; and yet, if he wished to respect his neighbor's rights, and forbid his servants to commit trespasses, and punished their disobedience, he thereby, according to this doctrine, asserted a right to trespass on his neighbor at pleasure. The plain difference in all these cases (Mr. K. said) was, that we had power in the one case and had no power in the other.

The power here was limited by the purposes for which it was to be exercised; we could go with the constitution, but could not go against it. We could act within our constitutional limits, but could not go beyond them. Whether we could enforce the circulation of a paper through the mail in the slaveholding States would depend on its character. If it were a commercial letter, a bill of exchange, a bill of lading, a war despatch, or any other paper fairly connected with the granted powers and social relations, as established by the constitution, and not inconsistent with the reserved rights of the States, in that case its circulation might be enforced. If of a different character, it could not be enforced, and the States whose acknowledged rights might be affected could interfere and arrest the circulation. Each Government should act within its own powers, and, in doing so, assert no right to go beyond them.

But (Mr. K. said) it was a waste of time to dwell longer upon this report, as the bill reported by the chairman of the committee was a practical refutation of every principle laid down in the report up to that part of it which recommended the bill. The bill proposed to Congress to do that which the report said Congress has no power to do.

The position assumed in the report was, that the amended article before referred to deprived Congress of all power over the subject, because "it was the object of this provision to place the freedom of the press beyond the possible interference of Congress," &c. "It withdraws from Congress all right of interference with the press in any form or shape whatever." This, he said, was the language of the report, and as the right to circulate was assumed as an incident to this freedom of the press, any interference with circulation, by refusing to transmit any thing the States might permit to be published, was considered a violation of the right. Now, (said Mr. K.,) what are the provisions of the bill? If it does not interfere "in some form or shape" with the circulation of matter the printing and publishing of which is perfectly lawful in the State where published, I care nothing for it. Mr. K. read the bill, and said it would be seen that it prevented the transmission, by mail, of papers, &c., on the subject of slavery, from one State to another, when, by the laws of the State to which the same was directed, the circulation of such paper was prohibited. Here was an "interference" by Congress with circulation, and he thought a very strong and extensive interference; and how did the Senator reconcile this interference with the principles of his report? Why, the constitutional difficulty was removed by the co-operation of the State. Co-operation with the State! and how could the general Government co-operate in an act which, according to the report, it is deprived of "all right of interference in, in any manner or shape whatever?" How could this Government act in conjunction with another agent, when it was under a constitutional restriction not to act at all? But this (said Mr. K.) is far from being the worst of it. The freedom of the press, as acknowledged in the report, is strictly a State right; and as a State right implies a right to circulate through the mail whatever the State may permit to be printed and published, it is the press of the non-slaveholding States, then, that is affected by the law.

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[*] Alien and sedition law.

Is this sacred constitutional right released by the co-operation of the State? The co-operation of what State? The State whose rights are to be affected? Not at all. According to this doctrine, the sacred reserved right of the freedom of the press in the State of Maine may be abolished in an instant by the action of the Legislature of the State of Mississippi. The people of Maine, though secured by the sacred guarantees of the constitution, in a reserved right beyond "any possible interference whatever" by the general Government, may be capitally punished by that same Government for the exercise of this right, by the consent of the State of Mississippi. Why, what a jumble of inconsistent political powers and inefficient constitutional securities is found here! That the constitutional powers of the general Government could be enlarged by the action of a single State, and enlarged, too, in its operation over the rights of States that do not co-operate or consent, was one of the strangest doctrines that had ever grown out of the heresies of modern times.

The truth is, (said Mr. K.,) we have the power to act in this matter under the constitution, or we have no power at all. We cannot derive any power from the laws of one State to act upon the citizens of another. We derive our power here under the constitution, which gives us exclusive charge of the Post Office Department. Under this power we can pass all proper laws, and punish their infraction, which carry into effect the objects of the power, and duly respect the rights of the States. Here was (Mr. K. said) the source from which we derived our power; and he hoped gentlemen would not refuse to vote for the bill because they could not agree to the principles of the report or reconcile it with the bill.

He did not know how the chairman of the committee could have fallen into this thorough inconsistency, unless it was that he had seen the recommendation, and took it for granted it must be all wrong, as it had been made by the President. But on further consideration he had found it right, and that the South expected something to be done; and hence this opposition report, accompanied by an administration bill.

Yes, (said Mr. K.,) an administration bill! I wish my friends to understand that, and hope they will not fall into the same error with regard to the chairman of the committee that he did in regard to the President, and take it for granted that the bill is wrong because it has been reported by the Senator from South Carolina. Sir, said he, the bill is right, and precisely conformable to the views of the President, against which the report is made. Mr. K. then read that part of the message which indicated the character of the law that the President recommended, as follows: "In leaving other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the confederacy, from being used as an instrument of an opposite character. The general Government, to which the great trust is confided of preserving inviolate the relations created among the States by the constitution, is especially bound to avoid, in its own action, any thing that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications, intended to instigate the slaves to insurrection."

No new power was asserted here. On the contrary, the power of the States over the whole subject of slavery is admitted. The Post Office power is asserted to be in the general Government, and we are only recommended to use it in such way as not to disturb the rights we acknowledge in the States. These are precisely the principles of the bill. We might adopt the laws of the States, where we acknowledge their right to pass them, without deriving any authority from them. In placing this confidence in the States, where we wish them to aid us in respecting their rights in the exercise of ours, we had only to see that the law to be adopted was such as they had a right to pass. This was done in the bill, which confined the laws to be adopted to the subject of domestic slavery, which all acknowledged to be under the exclusive jurisdiction of the slaveholding States.

Mr. K. next proceeded to notice the arguments of the Senator from Massachusetts, [Mr. DAVIS,] who had attacked the bill principally on the ground of expediency. He had stated that "it took the whole Post Office power from the general Government, and gave it to the States." Not at all—not a particle of Post Office power was claimed by, or given to, the States by the bill. The general Government was only so regulating that power, in itself, as to respect the rights of the States. But the Senator further objected (Mr. K. said) because it would be establishing an inquisitorial power in the Post Office Department. And did the Senator from Massachusetts propose any thing better? It was certainly unfortunate that any of our citizens should league themselves with foreigners, and engage in a species of mischief that makes any extraordinary measures necessary, either by the State or general Governments.

But when men were disposed (he said) to trouble the peace of society, they could only be counteracted by laws. Laws could not be administered without officers, and officers must have some discretion, and it was possible that such discretion might be abused. But it was difficult for any honest officer to mistake the character of these papers. The power had been some time exercised by the Department, and no difficulty had grown out of it. Unless the papers were strongly marked, they were not calculated to answer their object. Their very title generally condemned them. They were "anti-slavery records," "emancipators," &c. These were easily known when sent in open pamphlet form, and it was not expected that we would be able to prevent any thing that should be sealed up and subjected to letter postage. With this charge on them, they would circulate them not in such quantities as to produce excitement. The only hope was to break up the extensive establishments on Nassau street, from which this inflammatory matter was sent—not in bags and baskets, but by cart loads, to be shipped off to Charleston and other southern cities, there to produce excitement, and be destroyed.

The dangers of this inquisitorial power (he said) were greatly magnified; but admit them, and what better was proposed by the Senator from Massachusetts? Why, he proposed that the States should legislate. He acknowledged that the States had full authority over the subject, and proposed that they should legislate, and that we should avoid this inquisitorial power "in the Post Office Department." Did it escape the Senator that the legislation of the States on the subject was precisely the same with as without this law? We only propose to co-operate with the slave States. And did the Senator suppose that this "inquisitorial power" he complained of would be more rigorously exercised by the cool-reasoning postmasters of the North than by a southern postmaster, a committee of vigilance, and an excited mob? He presumed not. Why, then, send these papers from one end of the Union to the other, at the public expense, to trouble and excite the community, endanger the whole mail, weaken the national sympathies of the people, and threaten our institutions, when it was admitted they would be destroyed before they came into the hands of those to whom they were directed? There could be no possible object in this useless agency on our part, except it be to gratify the pride and ambition of these disturbers of the quiet of the country. They (the abolitionists) knew perfectly well that these papers would be destroyed in the southern post offices by virtue of the State laws, and yet they insisted on sending them, and had the effrontery to avow that their only object was "to keep up an excitement." Would gentlemen encourage such mischief, and that, too, at the public expense?

The Senator from Massachusetts had further complained that a monopoly of the Post Office power was granted to the general Government, and this increased its obligations to carry whatever might have been carried by the States themselves. Well, in this sense, what sort of monopoly was it, and what was its injurious operation? A monopoly, to be complained of, must have surrendered some pre-existing right which the party complaining previously enjoyed and had surrendered. Had the States any right to push their post office power beyond their own limits, before the adoption of the constitution? Not at all. They had still the use of the Post Office for all purposes within their own limits; and had, by the constitution, acquired its use all over the Union, for all national, social, and constitutional purposes. By this monopoly, then, they had acquired a great deal, and lost nothing.

But the Senator was apprehensive that the principles of this bill would recognise the right of the States to pass any law they pleased, breaking up all intercourse among the States, and that Congress would be bound to adopt it.

Here the Senator had fallen into the same error, in relation to the power of the States, that the Senator from Carolina had in relation to the general Government. The powers of each had their limits; and as we did not assume unlimited power in the general Government, by exercising its powers within their limits, so we did not give unlimited power to the States, by recognising that which all acknowledged they properly had. If the States were to legislate beyond their own rights, and attack the Post Office power, their acts would be void. It was unnecessary here, he stated, to inquire what the States might properly stop from circulation within their limits, and what they could not. He could only say to the Senator that when they proposed any thing improper, it would be time enough to consider whether he would co-operate; and he would further state that, whenever any State might think proper to prevent the circulation of any matter within its limits, and their right to do so was clearly acknowledged, as in this case, it would be very useless, unprofitable, and improper, for the general Government to carry such forbidden matter to them, to be destroyed in their post offices before distributed. Whenever we acknowledge a right, we ought to respect it.

He hoped the bill would pass. It would, doubtless, do some good; and it would, at any rate, show to the South a disposition in Congress to co-operate, as far as the constitution will allow, to prevent these unwarrantable interferences with their rights. He said he was willing to give the agitators all their constitutional rights, however mischievous their intentions, but he was willing to give them nothing more, and would not consent to lend them the agency of the Government for the purposes of pure and unmixed mischief.

After Mr. KING had concluded,

Mr. CALHOUN expressed a wish to adjourn, or pass over the subject informally; and, on motion of Mr. KING, of Alabama, the bill was laid on the table until to-morrow.

REVOLUTIONARY PENSIONS.

The Senate, on motion of Mr. WRIGHT, took up the bill to provide for the mode of paying pensioners of the United States.

An amendment reported by the Committee on Finance was agreed to, and the bill was ordered to its third reading.

Mr. EWING, of Ohio, moved that the Senate adjourn.

Mr. WALKER asked for the yeas and nays; which were ordered.

The question was taken, and decided in the affirmative: Yeas 18, nays 15.

So the Senate adjourned.

TUESDAY, APRIL 12.

SLAVERY IN ARKANSAS.

Mr. CLAY rose to present several petitions which had come into his hands. They were signed by citizens of Philadelphia, many of whom were known to be of the first respectability, and the others were, no doubt, entitled to the highest consideration. The petitions were directed against the admission of Arkansas into the Union, while there was a clause in her constitution prohibiting any future legislation for the abolition of slavery within her limits. He had felt considerable doubt as to the proper disposition which he should make of these petitions, while he wished to acquit himself of the duty intrusted to him. The bill for the admission of Arkansas had passed the Senate, and gone to the other House. It was possible that it would be returned from that branch with an amendment, which would bring this subject into consideration. He wished the petitioners had selected some other organ. He did not concur in the prayer of the petitioners. He thought that Arkansas, and any other State or Territory south of 40 degrees, had the entire right, according to the compromise made on the Missouri question, to frame its constitution, in reference to slavery, as it might think proper. He adhered to the opinions on this point which he held on a former memorable occasion, which would be in the recollection of Senators. He would only ask that one of these memorials be read, and that the whole of them should then be laid on the table.

Mr. KING, of Alabama, expressed his regret that the Senator from Kentucky had introduced these petitions while a bill was pending in the other branch, in the progress of which it was probable that this question would be stirred. If the presentation of these petitions should bring up again the agitation which was produced by the discussion of the Missouri question, it would be difficult to predict the consequences which might ensue. When the Missouri question was under consideration he acted with the Senator from Kentucky, and agreed to give up certain rights of the new States for the purpose of conciliation. But he would now say that never again would he give up any thing for the purpose of conciliating another quarter of the country. He repeated his astonishment and concern that the Senator from Kentucky should have brought forward the petitions.

Mr. CLAY said he felt unaffected surprise at the expression of regret contained in the language of the Senator from Alabama as to the presentation of these petitions. I (said Mr. C.) feel no regret. The subject of these petitions I do not approve, and I stated my disapprobation. I should have been happy had the petitioners chosen another organ. I stated, further, that my opinions were unchanged. But these petitions have been committed to my care. In presenting them I only performed a duty—a duty, in reference to petitions, of a constitutional, almost a sacred character. I have presented the petitions, but I have asked for no other action on them than the mere laying of them on the table, although I might have done so, as the bill is yet before the other branch. It is highly competent to the legislative authority to pass another bill to control this clause in the constitution of Arkansas. I have asked no such thing. If the question should be stirred in the other branch, as seems to be apprehended by the Senator from Alabama, it is better that the petitions are presented here. Here they are. I have merely performed a duty in presenting them; yet I am chided, chided at least in tone, by the Senator from Alabama, for having done so. Sure I am, sir, that in this tone of chiding there is not another Senator on this floor who will participate.

As to the principle of compromise, (Mr. C. continued,) there were several epochs from which gentlemen might take their start. The adoption of the constitution was a compromise; the settlement of the Missouri question was the second epoch; the adjustment of the tariff was the third. The principle illustrated in all these great cases it was highly desirable should be carried out. These persons who now come before Congress think it hard that they should be excluded from any participation in the soil south of 40 degrees which was won by the aid of their treasure and their valor. Perhaps the hardship was equally severe on those whose habits have rendered them familiar with slavery, that they are virtually excluded from a residence in any of the States north of the line of forty. He concluded with saying that he had defended the principle of compromise in the Missouri question with as much zeal, if not as much ability, as the Senator from Alabama.

The petitions were then laid on the table.

INCENDIARY PUBLICATIONS.

The Senate having resumed the consideration of the bill to prohibit the circulation through the mails of incendiary publications,

Mr. CALHOUN addressed the Senate:

I am aware (said Mr. C.) how offensive it is to speak of one's self; but as the Senator from Georgia on my right [Mr. KING] has thought proper to impute to me improper motives, I feel myself compelled, in self-defence, to state the reasons which have governed my course in reference to the subject now under consideration. The Senator is greately mistaken in supposing that I was governed by hostility to General Jackson. So far is that from being the fact, that I came here at the commencement of the session with fixed and settled principles on the subject now under discussion, and which, in pursuing the course that the Senator condemns, I have but attempted to carry into effect.

As soon as the subject of abolition began to agitate the South last summer, in consequence of the transmission of incendiary publications through the mail, I saw at once that it would force itself on the notice of Congress at the present session; and that it involved questions of great delicacy and difficulty. I immediately turned my attention, in consequence, to the subject, and after due reflection arrived at the conclusion that Congress could exercise no direct power over it, and that, if it acted at all, the only mode in which it could act, consistently with the constitution and the rights and safety of the slaveholding States, would be in the manner proposed by this bill. I also saw that there was no inconsiderable danger in the excited state of the feelings of the South; that the power, however dangerous and unconstitutional, might be thoughtlessly yielded to Congress, knowing full well how apt the weak and timid are, in a state of excitement and alarm, to seek temporary protection in any quarter, regardless of after consequences, and how ready the artful and designing ever are to seize on such occasions to extend and perpetuate their power.

With these impressions I arrived here at the beginning of the session. The President's message was not calculated to remove my apprehensions. He assumed for Congress direct power over the subject, and that on the broadest, most unqualified, and dangerous principles. Knowing the influence of his name, by reason of his great patronage and the rigid discipline of party, with a large portion of the country, who have scarcely any other standard of constitution, politics, and morals, I saw the full extent of the danger of having these dangerous principles reduced to practice, and I determined at once to use every effort to prevent it. The Senator from Georgia will, of course, understand that I do not include him in this subservient portion of his party. So far from it, I have always considered him as one of the most independent. It has been our fortune to concur in opinion in relation to most of the important measures which have been agitated since he became a member of this body, two years ago, at the commencement of the session during which the deposite question was agitated. On that important question, if I mistake not, the Senator and myself concurred in opinion, at least as to its inexpediency, and the dangerous consequences to which it would probably lead. If my memory serves me, we also agreed in opinion on the connected subject of the currency, which was then incidentally discussed. We agreed, too, on the question of raising the value of gold to its present standard, and in opposition to the bill for the distribution of the proceeds of the public lands, introduced by the Senator from Kentucky, [Mr. CLAY.] In recurring to the events of that interesting session, I can remember but one important subject on which we disagreed, and that was the President's protest. Passing to the next, I find the same concurrence of opinion on most of the important subjects of the session. We agreed on the question of executive patronage, on the propriety of amending the constitution for a temporary distribution of the surplus revenue, on the subject of regulating the deposites, and in support of the bill for restricting the power of the Executive in making removals from office. We also agreed in the propriety of establishing branch mints in the South and West—a subject not a little contested at the time.

Even at the present session we have not been so unfortunate as to disagree entirely. We have, it is true, on the question of receiving abolition petitions, which I regret, as I must consider their reception, on the principle on which they were received, as a surrender of the whole ground to the abolitionists, as far as this Government is concerned. It is also true that we disagreed in part in reference to the present subject. The Senator has divided, in relation to it, between myself and General Jackson. He has given his speech in support of his message, and announced his intention of giving his vote in favor of my bill. I certainly have no right to complain of this division. I had rather have his vote than his speech. The one will stand for ever on the records of the Senate (unless expunged) in favor of the bill, and the important principles on which it rests, while the other is destined, at no distant day, to oblivion.

I now put to the Senator from Georgia two short questions. In the numerous and important instances in which we have agreed, I must have been either right or wrong. If right, how could he be so uncharitable as to attribute my course to the low and unworthy motive of inveterate hostility to General Jackson? But if wrong, in what condition does his charge against me place himself, who has concurred with me in all these measures? [Here Mr. King disclaimed the imputation of improper motives to Mr. C.] I am glad to hear the gentleman's disclaimer, (said Mr. C.,) but I certainly understood him as asserting that such was my hostility to General Jackson, that his support of a measure was sufficient to ensure my opposition; and this he undertook to illustrate by an anecdote, borrowed from O'Connell and the pig, which I must tell the Senator was much better suited to the Irish mob to which it was originally addressed, than to the dignity of the Senate, where he has repeated it.

But to return from this long digression. I saw, as I have remarked, that there was reason to apprehend that the principles embraced in the message might be reduced to practice; principles which I believed to be dangerous to the South, and subversive of the liberty of the press. The report fully states what those principles are, but it may not be useless to refer to them briefly on the present occasion.

The message assumed for Congress the right of determining what publications are incendiary, and calculated to excite the slaves to insurrection, and to prohibit the transmission of such publications through the mail; and, of course, it also assumes the right of deciding what are not incendiary, and of enforcing the transmission of such through the mail. But the Senator from Georgia denies this inference, and treats it as a monstrous absurdity. I had (said Mr. C.) considered it so nearly intuitive, that I had not supposed it necessary in the report to add any thing in illustration of its truth; but as it has been contested by the Senator, I will add in illustration a single remark.

The Senator will not deny that the right of determining what papers are incendiary, and of preventing their circulation, implies that Congress has jurisdiction over the subject; that is, of discriminating as to what papers ought or ought not to be transmitted by the mail. Nor will he deny that Congress has a right, when acting within its acknowledged jurisdiction, to enforce the execution of its acts; and yet the admission of these unquestionable truths admits the consequence asserted by the report, and so sneered at by the Senator. But, lest he should controvert so plain a deduction, to cut the matter short, I shall propound a plain question to him. He believes that Congress has the right to say what papers are incendiary, and to prohibit their circulation. Now, I ask him if he does not also believe it has the right to enforce the circulation of such as it may determine not to be incendiary, even against a law of Georgia that might prohibit their circulation? If the Senator should answer in the affirmative, I then would prove by his admission the truth of the inference for which I contend, and which he has pronounced to be so absurd; but if he should answer in the negative, and deny that Congress can enforce the circulation against the law of the State, I must tell him he would place himself in the neighborhood of nullification. He would in fact go beyond. The denial would assume the right of nullifying what the Senator himself must, with his views, consider a constitutional act, when nullification only assumes the right of a State to nullify an unconstitutional act.

But the principle of the message goes still farther. It assumes for Congress jurisdiction over the liberty of the press. The framers of the constitution (or rather those jealous patriots who refused to consent to its adoption without amendments to guard against the abuse of power) have, by the first amended article, provided that Congress shall pass no law abridging the liberty of the press, with the view of placing the press beyond the control of congressional legislation. But this cautious foresight would prove in vain, if we should concede to Congress the power which the President assumes of discriminating in reference to character what publications shall or shall not be transmitted by the mail. It would place in the hands of the general Government an instrument more potent to control the freedom of the press than the sedition law itself, as is fully established in the report.

Thus regarding the message, the question which presented itself on its first perusal was, how to prevent powers so dangerous and unconstitutional from being carried into practice. To permit the portion of the message relating to the subject under consideration to take its regular course, and be referred to the Committee on the Post Office and Post Roads, would, I saw, be the most certain way to defeat what I had in view. I could not doubt, from the composition of the committee, that the report would coincide with the message, and that it would be drawn up with all that tact, ingenuity, and address, for which the chairman of the committee and the head of the Post Office Department are not a little distinguished. With this impression, I could not but apprehend that the authority of the President, backed by such a report, would go far to rivet in the public mind the dangerous principles which it was my design to defeat, and which could only be effected by referring the portion of the message in question to a select committee, by which the subject might be thoroughly investigated, and the result presented in a report. With this view I moved the committee, and the bill and report, which the Senator has attacked so violently, are the result.

These are the reasons which governed me in the course I took, and not the base and unworthy motive of hostility to General Jackson. I appeal with confidence to my life to prove that neither hostility nor attachment to any man or any party can influence me in the discharge of my public duties; but were I capable of being influenced by such motives, I must tell the Senator from Georgia that I have too little regard for the opinion of General Jackson, and, were it not for his high station, I would add, his character too, to permit his course to influence me in the slightest degree, either for or against any measure.

Having now assigned the motives which governed me, it is with satisfaction I add that I have a fair prospect of success. So entirely are the principles of the message abandoned, that not a friend of the President has ventured, and I hazard nothing in saying will venture, to assert them practically, whatever they may venture to do in argument. They well know now that, since the subject has been investigated, a bill to carry into effect the recommendation of the message would receive no support, even from the ranks of the administration, devoted as they are to their chieftain.

The Senator from Georgia made other objections to the report besides those which I have thus incidentally noticed, to which I do not deem it necessary to reply. I am content with his vote, and cheerfully leave the report and his speech to abide their fate, with a brief notice of a single objection.

The Senator charges me with what he considers a strange and unaccountable contradiction. He says that the freedom of the press, and the right of petition, are both secured by the same article of the constitution, and both stand on the same principle; and yet I, who decidedly opposed the receiving of abolition petitions, now as decidedly support the liberty of the press. To make out the contradiction, he assumes that the constitution places the right of petitioners to have their petitions received, and the liberty of the press, on the same ground. I do not deem it necessary to show that in this he is entirely mistaken, and that my course on both occasions is perfectly consistent. I take the Senator at his word, and put to him a question for his decision. If, in opposing the receiving of the abolition petitions, and advocating the freedom of the press, I have involved myself in a palpable contradiction, how can he escape a similar charge, when his course was the reverse of mine on both occasions? Does he not see that, if mine be contradictory, as he supposes, his, too, must necessarily be so? But the Senator forgets his own argument, of which I must remind him, in order to relieve him from the awkward dilemma in which he has placed himself in his eagerness to fix on me the charge of contradiction. He seems not to recollect that, in his speech on receiving the abolition petitions, he was compelled to abandon the constitution, and to place the right, not on that instrument, as he would now have us believe, but expressly on the ground that the right existed anterior to the constitution; and that we must look for its limits, not to the constitution, but to the *magna charta* and the declaration of rights.

Having now concluded what I intended to say in reply to the Senator from Georgia, I now turn to the objections of the Senator from Massachusetts, [Mr. DAVIS,] which were directed, not against the report, but the bill itself. The Senator confined his objections to the principles of the bill, which he pronounces dangerous and unconstitutional. It is my wish to meet his objections fully, fairly, and directly. For this purpose, it will be necessary to have an accurate and clear conception of the principles of the bill, as it is impossible without it to estimate correctly the force either of the objections or the reply. I am thus constrained to restate what the principles are, at the hazard of being considered somewhat tedious.

The first and leading principle is, that the subject of slavery is under the sole and exclusive control of the States where the institution exists. It belongs to them to determine what may endanger its existence, and when and how it may be defended. In the exercise of this right, they may prohibit the introduction or circulation of any paper or publication which may, in their opinion, disturb or endanger the institution. Thus far all are agreed. To this extent no one has questioned the right of the States; not even the Senator from Massachusetts, in his numerous objections to the bill.

The next and remaining principle of the bill is intimately connected with the preceding; and, in fact, springs directly from it. It assumes that it is the duty of the general Government, in the exercise of its delegated rights, to respect the laws which the slaveholding States may pass in protection of its institutions; or, to express it differently, it is its duty to pass such laws as may be necessary to make it obligatory on its officers and agents to abstain from violating the laws of the States, and to co-operate, as far as it may consistently be done, in their execution. It is against this principle that the objections of the Senator from Massachusetts have been directed, and to which I now proceed to reply.

His first objection is, that the principle is new; by which I understand him to mean that it never has heretofore been acted on by the Government. The objection presents two questions: is it true, in point of fact; and, if so, what weight or force properly belongs to it? If I am not greatly mistaken, it will be found wanting in both particulars; and that, so far from being new, it has been frequently acted on; and that, if it were new, the fact would have little or no force.

If our Government had been in operation for centuries, and had been exposed to the various changes and trials to which political institutions, in a long-protracted existence, are exposed in the vicissitudes of events, the objection, under such circumstances, that a principle had never been acted upon, if not decisive, would be exceedingly strong; but when made in reference to our Government, which has been in operation for less than half a century, and which is so complex and novel in its structure, it is very feeble. We all know that new principles are daily developing themselves under our system, with the changing condition of the country, and doubtless will long continue so to do, in the new and trying scenes through which we are destined to pass. It may, I admit, be good reason, even with us, for caution—for thorough and careful investigation, if a principle proposed to be acted on be new; for I have long since been taught by experience that whatever is untried is to be received with caution in politics, however plausible. But to go further, in this early stage of our political existence, would be to deprive ourselves of means that might be indispensable to meet future dangers and difficulties.

But I take higher grounds in reply to the objection. I deny its truth in point of fact, and assert that the principle is not new. The report refers to two instances in which it has been acted on, and to which for the present I shall confine myself: one in reference to the quarantine laws of the States, and the other more directly connected with the subject of this bill. I propose to make a few remarks in reference to both, beginning with the former, with the view of showing that the principle, in both cases, is strictly analogous, or, rather, identical with the present.

The health of the State, like that of the subject of slavery, belongs exclusively to the State. It is reserved, and not delegated; and, of course, each State has a right to judge for itself what may endanger the health of its citizens, what measures are necessary to prevent it, and when and how such measures are to be carried into effect. Among the causes which may endanger the health of a State is the introduction of infectious or contagious diseases, through the medium of commerce. The vessel returning with a rich cargo, in exchange for the products of a State, may also come freighted with the seeds of disease and death. To guard against this danger, the States, at a very early period, adopted quarantine or health laws. These laws, it is obvious, must necessarily interfere with the power of Congress to regulate commerce—a power as expressly given as that to regulate the mail, and, as far as the present question is concerned, every way analogous; and, acting accordingly, on the principles of this bill, Congress, as far back as the year 1796, passed an act making it the duty of its civil and military officers to abstain from the violation of the health laws of the States, and to co-operate in their execution. This act was modified and repealed by that of 1799, which has since remained unchanged on the statute book.

But the other precedent referred to in the report is still more direct and important. That case, like the present, involved the right of the slaveholding States to adopt such measures as they may think proper, to prevent their domestic institutions from being disturbed or endangered. They may be endangered, not only by introducing and circulating inflammatory publications, calculated to excite insurrection, but also by the introduction of free people of color from abroad, who may come as emissaries, or with opinions and sentiments hostile to the peace and security of those States. The right of a State to pass laws to prevent danger from publications is not more clear than the right to pass those which may be necessary to guard against this danger. The act of 1803, to which the report refers as a precedent, recognises this right to the fullest extent. It was intended to sustain the laws of the States against the introduction of free people of color from the West India islands. The Senator from Massachusetts, in his remarks upon this precedent, supposes the law to have been passed under the power given to Congress by the constitution to suppress the slave trade. I have turned to the journals in order to ascertain the facts, and find that the Senator is entirely mistaken. The law was passed on a memorial of the citizens of Wilmington, North Carolina, and originated in the following facts:

After the successful rebellion of the slaves in St. Domingo, and the expulsion of the French power, the Government of the other French West India islands, in order to guard against the danger from the example of St. Domingo, adopted rigid measures to expel and send out their free blacks. In 1803, a brig, having five persons of that description who were driven from Guadaloupe, arrived at Wilmington. The alarm which this caused gave birth to the memorial, and the memorial to the act.

I learn from the journals that the subject was fully investigated and discussed in both Houses, and that it passed by a very large majority. The first section of the bill prevents the introduction of any negro, mulatto, or mustee, into any State by the laws of which they are prevented from being introduced, except persons of the description from beyond the Cape of Good Hope, or registered seamen, or natives of the United States. The second section prohibits the entry of vessels having such persons on board, and subjects the vessel to seizure and forfeiture for landing or attempting to land them, contrary to the laws of the States; and the third and last section makes it the duty of the officers of the general Government to co-operate with the States in the execution of their laws against their introduction. I consider this precedent to be one of vast importance to the slaveholding States. It not only recognises the right of those States to pass such laws as they may deem necessary to protect themselves against the slave population, and the duty of the general Government to respect those laws, but also the very important right, that the States have the authority to exclude the introduction of such persons as may be dangerous to their institutions—a principle of great extent and importance, and applicable to other States as well as slaveholding, and to other persons as well as blacks, and which may hereafter occupy a prominent place in the history of our legislation.

Having now, I trust, fully and successfully replied to the first objection of the Senator from Massachusetts, by showing that it is not true, in fact, and, if it were, that it would have had little or no force, I shall now proceed to reply to the second objection, which assumes that the principles for which I contend would, if admitted, transfer the power over the mail from the general Government to the States.

If the objection be well founded, it must prove fatal to the bill. The power over the mail is, beyond all doubt, a delegated power; and whatever would divest the Government of this power, and transfer it to the States, would certainly be a violation of the constitution. But would the principle, if acted on, transfer the power? If admitted to its full extent, its only effect would be to make it the duty of Congress, in the exercise of its power over the mail, to abstain from violating the laws of the State in protection of their slave property, and to co-operate, where it could with propriety, in their execution. Its utmost effect would then be a modification, and not a transfer or destruction of the power; and surely the Senator will not contend, that to modify a right amounts either to its transfer or annihilation. He cannot forget that all rights are subject to modification, and all, from the highest to the lowest, are held under one universal condition—that their possessors should so use them as not to injure others. Nor can he contend that the power of the general Government over the mail is without modification or limitation. He himself admits that it is subject to a very important modification, when he concedes that the Government cannot discriminate in reference to the character of the publications to be transmitted by the mail, without violating the first amended article of the constitution, which prohibits Congress from passing laws abridging the liberty of the press. Other modifications of the right might be shown to exist, not less clear, nor of much less importance. It might be easily shown, for instance, that the power over the mail is limited to the transmission of intelligence, and that Congress cannot, consistently with the nature and the object of the power, extend it to the ordinary objects of transportation, without a manifest violation of the constitution, and the assumption of a principle which would give the Government control over the general transportation of the country, both by land and water. But if it be subject to these modifications, without either annihilating or transferring the power, why should the modification for which I contend, and which I shall show hereafter to rest upon unquestionable principles, have such effect? That it would not, in fact, might be shown, if other proof were necessary, by a reference to the practical operation of the principle in the two instances already referred to. In both, the principle which I contend for in relation to the mail has long been in operation in reference to commerce, without the transfer of the power of Congress to regulate commerce to the States, which the Senator contends would be its effect if applied to the mail. So far otherwise, so little has it affected the power of Congress to regulate the commerce of the country, that few persons, comparatively, are aware that the principle has been recognised and acted on by the general Government.

I come next (said Mr. Calhoun) to what the Senator seemed to rely upon as his main objection. He stated that the principles asserted in the report were contradicted by the bill, and that the latter undertakes to do indirectly what the former asserts that the general Government cannot do at all.

Admit (said Mr. C.) the objection to be true in fact, and what does it prove, but that the author of the report is a bad logician, and there is error somewhere, but without proving that it is in the bill, and that it ought therefore to be rejected, as the Senator contends? If there be error, it may be in the report instead of the bill; and till the Senator can fix it on the latter, he cannot avail himself of the objection. But does the contradiction which he alleges exist? Let us turn to the principles asserted in the report, and compare them with those of the bill, in order to determine this point.

What, then, are the principles which the report maintains? It asserts that Congress has no right to determine what papers are incendiary, and calculated to excite insurrection, and as such to prohibit their circulation; but, on the contrary, that it belongs to the States to determine on the character and tendency of such publications, and to adopt such measures as they may think proper to prevent their introduction or circulation. Does the bill deny any of these principles? Does it not assume them all? Is it not drawn up on the supposition that the general Government have none of the powers denied by the report, and that the States possess all for which it contends? How, then, can it be said that the bill contradicts the report? But the difficulty, it seems, is, that the general Government would do through the States, under the provisions of the bill, what the report denies that it can do directly; and this, according to the Senator from Georgia, is so manifest and palpable a contradiction, that he can find no explanation for my conduct but an inveterate hostility to General Jackson, which he is pleased to attribute to me.

I have, I trust, successfully repelled already the imputation, and it now remains to show that the gross and palpable errors, which the Senator perceives, exist only in his own imagination; and that, instead of the cause he supposes, it originates, on his part, in a dangerous and fundamental misconception of the nature of our political system—particularly of the relation between the States and general Government. Were the States the agents of the general Government, as the objection clearly presupposes, then what he says would be true, and the Government, in recognising the law of the States, would adopt the acts of its agents. But the fact is far otherwise. The general Government and the Governments of the States are distinct and independent departments in our complex political system. The States, in passing laws in protection of their domestic institutions, act in a sphere as independent as the general Government passing laws in regulation of the mail; and the latter, in abstaining from violating the laws of the States, as provided for in the bill, so far from making the States its agents, but recognises the right of the States, and performs on its part a corresponding duty. Rights and duties are in their nature reciprocal. The existence of one presupposes that of the other, and the performance of the duty, so far from denying the right, distinctly recognises its existence. The Senator, for example, next to me, [Mr. WHITE,] has the unquestionable right to the occupation of his chair; and I am of course in duty bound to abstain from violating that right; but would it not be absurd to say that, in performing that duty, by abstaining from violating his right, I assume the right of occupation? Again: suppose the very quiet and peaceable Senator from Maine, [Mr. SHEPLEY,] who is his next neighbor on the other side, should undertake to oust the Senator from Tennessee, would it not be strange doctrine to contend that, if I were to co-operate with the Senator from Tennessee in maintaining possession of his chair, it would be an assumption on my part of a right to the chair? And yet this is the identical principle which the Senator from Georgia assumed, in charging a manifest and palpable contradiction between the bill and the report.

But to proceed with the objections of the Senator from Massachusetts. He asserts, and asserts truly, that rights and duties are reciprocal; and that if it be the duty of the general Government to respect the laws of the States, it is in like manner the duty of the States to respect those of the general Government. The practice of both has been in conformity to the principle. I have already cited instances of the general Government respecting the laws of the States, and many might be shown of the States respecting those of the general Government.

But the Senator from Massachusetts affirms that the laws of the general Government regulating the mail, and those of the Governments of the States prohibiting the introduction and circulation of incendiary publications, may come into conflict, and that in such event the latter must yield to the former; and he rests this assertion on the ground that the power of the general Government is expressly delegated by the constitution. I regard the arguments wholly inconclusive. Why should the mere fact that a power is expressly delegated give it paramount control over the reserved powers? What possible superiority can the mere fact of delegation give, unless, indeed, it be supposed to render the right more clear, and, of course, less questionable? Now, I deny that it has in this instance any such superiority. Though the power of the general Government over the mail is delegated, it is not more clear and unquestionable than the rights of the States over the subject of slavery—a right which neither has been nor can be denied. In fact, I might take higher grounds, if higher grounds were possible, by showing that the rights of the States are as expressly reserved as those of the general Government are delegated; for, in order to place the reserved rights beyond controversy, the tenth amended article of the constitution expressly provides that all powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people; and as the subject of slavery is acknowledged by all not to be delegated, it may be fairly considered as expressly reserved under this provision of the constitution.

But, while I deny his conclusion, I agree with the Senator that the laws of the States and general Government may come into conflict, and that, if they do, one or the other must yield. The question is, which ought to yield? The question is one of great importance. It involves the whole merit of the controversy, and I must entreat the Senate to give me an attentive hearing while I state my views in relation to it.

In order to determine satisfactorily which ought to yield, it becomes necessary to have a clear and full understanding of the point of difficulty; and, for this purpose, it is necessary to make a few preliminary remarks.

Properly considered, the reserved and delegated powers can never come into conflict. The fact that a power is delegated, is conclusive that it is not reserved; and that it is not delegated, that it is reserved, unless, indeed, it be prohibited to the States. There is but a single exception: the case of powers of such nature that they be exercised concurringly by the State and general Governments—such as the power of laying taxes, which, though delegated, may also be exercised by the States. In illustration of the truth of the position I have laid down, I might refer to the case now under consideration. Regarded in the abstract, there is not the slightest conflict between the power delegated by the constitution to the general Government to establish post offices and post roads, and that reserved to the States over the subject of slavery. How, then, can there be conflict? It occurs not between the powers themselves, but the laws respectively passed to carry them into effect. The laws of the State, prohibiting the introduction or circulation of incendiary publications, may come into conflict with the laws of the general Government in relation to the mail; and the question to be determined is, which, in the event, ought to give way?

I will not pretend to enter into a full and systematic investigation of this highly important question, which involves, as I have said, the merits of the whole controversy. I do not deem it necessary. I propose to lay down a single principle, which I hold to be not only unquestionable, but decisive of the question, as far as the present controversy is concerned. My position is, that, in deciding which ought to yield, regard must be had to the nature and magnitude of the powers to which the laws respecting it relate. The low must yield to the high; the convenient to the necessary; mere accommodation to safety and security. This is the universal principle which governs in all analogous cases, both in our social and political relations. Wherever the means of enjoying or securing rights come into conflict, (rights themselves never can,) this universal and fundamental principle is the one which, by the consent of mankind, governs in all such cases. Apply it to the case under consideration, and need I ask which ought to yield? Will any rational being say that the laws of the States of this Union, which are necessary to their peace, security, and very existence, ought to yield to the laws of the general Government regulating the Post Office, which at best is a mere accommodation and convenience, and this when this Government was formed *by the States* mainly with a view to secure more perfectly their peace and safety? But one answer can be given. All must feel that it would be improper for the laws of eleven States in such case to yield to those of the general Government, and, of course, that the latter ought to yield to the former. When I say *ought*, I do not mean on the principle of concession. I take higher grounds. I mean under the obligation of the constitution itself. That instrument does not leave this important question to be decided by mere inference. It contains an express provision which is decisive of the question. I refer to the provision which invests Congress with the power of passing laws to carry into effect the granted powers, and which expressly restricts its power to laws necessary and proper to carry into effect the delegated powers. We here have the limitation on the power of passing laws. They must be necessary and proper. I pass the term *necessary* with the single remark, that whatever may be its true and accurate meaning, it clearly indicates that this important power was sparingly granted by the framers of the constitution. I come to the term *proper;* and I boldly assert, if it has any meaning at all, if it can be said of any law whatever that it is not proper, and that, as such, Congress has no constitutional right to pass it, surely it may be said of that which would abrogate, in fact, the laws of nearly half of the States of the Union, and which are conceded to be necessary for their peace and safety. If it be proper for Congress to pass such a law, what law could possibly be improper? We have heard much of late of States' rights. All parties profess to respect them, as essential to the preservation of our liberty. I do not except the members of the old federal party—that honest, high-minded, patriotic party, though mistaken as to the principles and tendency of the Government. But what, let me ask, would be the value of the States' rights, if the laws of Congress in such cases ought not to yield to the States? If they must be considered paramount, whenever they come into conflict with those of the States, without regard to their safety, what possible value can be attached to the rights of the States, and how perfectly unmeaning their reserved powers? Surrender the principle, and there is not one of the reserved powers which may not be annulled by Congress under the pretext of passing laws to carry into effect the delegated powers.

The Senator from Massachusetts next objects that if the principles of the bill be admitted, they may be extended to morals and religion. I do not feel bound to admit or deny the truth of this assertion; but if the Senator will show me a case in which a State has passed laws, under its unquestionable reserved powers, in protection of its morality or religion, I would hold it to be the duty of the general Government to respect the laws of the States in conformity to the principles which I maintained.

His next objection is, that the bill is a manifest violation of the liberty of the press. He has not thought proper to specify wherein the violation consists. Does he mean to say that the laws of the States prohibiting the introduction and circulation of papers calculated to excite insurrection are in violation of the liberty of the press? Does he mean that the slaveholding States have no right to pass such laws? I cannot suppose such to be his meaning; for I understood him throughout his remarks to admit the right of the States—a right which they have always exercised, without restriction or limitation, before and since the adoption of the constitution, without ever having been questioned. But if this be not his meaning, he must mean that this bill, in making it the duty of the officers and agents of the Government to respect the laws of the States, violates the liberty of the press, and thus involves the old misconception, that the States are the agents of this Government, which pervades the whole argument of the Senator, and to which I have already replied.

The Senator next objects that the bill makes it penal on deputy postmasters to receive the papers and publications which it embraces. I must say that my friend from Massachusetts (for such I consider him, though we differ in politics) has not expressed himself with his usual accuracy on the present occasion. If he will turn to the provisions of the bill, he will find that the penalty attaches only in cases of knowingly receiving and delivering out the papers and publications in question. All the consequences which the Senator drew from the view which he took of the bill of course fall, and thus relieve me from the necessity of showing that the deputy postmasters will not be compelled to resort to the espionage into letters and packages in order to exonerate themselves from the penalty of the bill, which he supposed.

The last objection of the Senator is, that under the provision of the bill every thing touching on the subject of slavery will be prohibited from passing through the mail. I again must repeat that the Senator has not expressed himself with sufficient accuracy. The provisions of the bill are limited to the transmission of such papers in reference to slavery as are prohibited by the laws of the slaveholding States; that is, by eleven States of the Union, leaving the circulation through the mail without restriction or qualification as to all other papers, and wholly so as to the remaining thirteen States. But the Senator seems to think that even this restriction, as limited as it is, would be a very great inconvenience. It may, indeed, prove so to the lawless abolitionists, who, without regard to the obligations of the constitution, are attempting to scatter their firebrands throughout the Union. But is their convenience the only thing to be taken into the estimate? Are the peace, security, and safety of the slaveholding States nothing? Or are these to be sacrificed for the accommodation of the abolitionists?

I have now replied, directly, fully, and, I trust, successfully, to the objections to the bill; and shall close what I intended to say by a few general and brief remarks.

We have arrived at a new and important point in reference to the abolition question. It is no longer in the hands of quiet and peaceful, but I cannot add harmless, Quakers. It is now under the control of ferocious zealots, blinded by fanaticism, and, in the pursuit of their object, regardless of the obligations of religion or morality. They are organized throughout every section of the non-slaveholding States; they have the disposition of almost unlimited funds, and are in possession of a powerful press, which, for the first time, is enlisted in the cause of abolition, and turned against the domestic institutions and the peace and security of the South. To guard against the danger in this new and more menacing form, the slaveholding States will be compelled to revise their laws against the introduction and circulation of publications calculated to disturb their peace and to endanger their security, and to render them far more full and efficient than they have heretofore been. In this new state of things, the probable conflict between the laws which those States may think proper to adopt, and those of the general Government regulating the mail, becomes far more important than in any former state of the controversy; and Congress is now called upon to say what part it will take in reference to this deeply interesting subject. We of the slaveholding States ask nothing of the Government, but that it should abstain from violating laws passed within our acknowledged constitutional competency and conceded to be essential to our peace and security. I am anxious to see how this question will be decided. I am desirous that my constituents should know what they have to expect, either from this Government or from the non-slaveholding States. Much that I have said and done during the session has been with the view of affording them correct information on this point, in order that they might know to what extent they might rely upon others, and how far they must depend on themselves.

Thus far (I say it with regret) our just hopes have not been realized. The Legislatures of the South, backed by the voice their constituents expressed through innumerable meetings, have called upon the non-slaveholding States to repress the movements made within the jurisdiction of those States against their peace and security. Not a step has been taken; not a law has been passed, or even proposed; and I venture to assert that none will be; not but what there is a favorable disposition towards us in the North, but I clearly see the state of political parties there presents insuperable impediments to any legislation on the subject. I rest my opinion on the fact that the non-slaveholding States, from the elements of their population, are, and will continue to be, divided and distracted by parties of nearly equal strength; and that each will always be ready to seize on every movement of the other which may give them the superiority, without much regard to consequences, as affecting their own States, and much less, remote and distant sections.

Nor have we been less disappointed as to the proceedings of Congress. Believing that the general Government has no right or authority over the subject of slavery, we had just grounds to hope Congress would refuse all jurisdiction in reference to it, in whatever form it might be presented. The very opposite course has been pursued. Abolition petitions have not only been received in both Houses, but received on the most obnoxious and dangerous of all grounds—that we are bound to receive them; that is, to take jurisdiction of the question of slavery whenever the abolitionists may think proper to petition for its abolition, either here or in the States.

Thus far, then, we of the slaveholding States have been grievously disappointed. One question still remains to be decided that is presented by this bill. To refuse to pass this bill would be virtually to co-operate with the abolitionists—would be to make the officers and agents of the Post Office Department in effect their agents and abettors in the circulation of their incendiary publications, in violation of the laws of the States. It is your unquestionable duty, as I have demonstrably proved, to abstain from their violation, and, by refusing or neglecting to discharge that duty, you would clearly enlist, in the existing controversy, on the side of the abolitionists against the southern States. Should such be your decision, by refusing to pass this bill, I shall say to the people of the South, look to yourselves--you have nothing to hope from others. But I must tell the Senate, be your decision what it may, the South will never abandon the principles of this bill. If you refuse co-operation with our laws, and conflict should ensue between your and our law, the southern States will never yield to the superiority of yours. We have a remedy in our hands, which, in such event, we shall not fail to apply. We have high authority for asserting that, in such cases, "State interposition is the rightful remedy"—a doctrine first announced by Jefferson—adopted by the patriotic and republican State of Kentucky by a solemn resolution, in 1798, and finally carried out into successful practice on a recent occasion, ever to be remembered, by the gallant State which I, in part, have the honor to represent. In this well-tested and efficient remedy, sustained by the principles developed in the report and asserted in this bill, the slaveholding States have an ample protection. Let it be fixed, let it be riveted in every southern mind, that the laws of the slaveholding States for the protection of their domestic institutions are paramount to the laws of the general Government in regulation of commerce and the mail, and that the latter must yield to the former in the event of conflict; and that, if the Government should refuse to yield, the States have a right to interpose, and we are safe. With these principles, nothing but concert would be wanting to bid defiance to the movements of the abolitionists, whether at home or abroad, and to place our domestic institutions, and, with them, our security and peace, under our own protection, and beyond the reach of danger.

Mr. DAVIS then rose and said that he must obtrude himself upon the patience of the Senate again, as the remarks which had been made called for some reply, and made it necessary for him to carry out the argument, which he was restrained from doing the other day by circumstances beyond his control. He then proceeded, in substance, as follows: Sir, I have shunned every thing which might occasion excitement in this debate, but I cannot forbear remarking, upon the fervent appeal made by the Senator from South Carolina in his closing observations, that I hold it to be unwise, most unwise, for those interested, to make slavery a topic of frequent discussion, to force it upon the notice of those who live in the free States, and, above all, to make them remember its existence, by feeling inconveniences from it at every step they take. It is, under its most favorable aspects, viewed as a great moral evil, distracting the country with anxiety and deep concern for the common welfare and safety. Under such circumstances, can any thing be more impolitic than to pass a law which will make every citizen of a free State participate in this evil, by feeling that he is restrained in his privileges in consequence of it? By forcing slavery into his presence every time he has occasion to use the Post Office, and vexing him with an odious scrutiny into his papers? If gentlemen would rouse up a spirit of resentment against slavery, if they would fill the public mind with new objections to it, and excite the people to oppose it, then let them go on with this policy, and they will doubtless accomplish their object. But if they would tranquillize public feeling, then I would recommend to them to keep slavery as far out of sight and hearing as possible, and never call on the public to make sacrifices of their rights or privileges to sustain it. Above all, never impair their enjoyments by the exercise of doubtful authority. I therefore entreat gentlemen to pause before they adopt a measure like this, and consider the consequences.

Sir, the Senator from South Carolina has arranged the remarks I made under three heads, and made an elaborate reply:

First. He says I contend that the precedents urged by him do not sustain the measure; and so I do. He has given us a learned exposition of the law of 1803, prohibiting the importation of slaves into such States as had, by their own laws, forbidden it. I am not able to perceive that it changes the ground. It all proves no more than the fact that the United States were anxious to get rid of the traffic as fast as they could consistently with the obligations they owed one to another by the constitution. They could not stop importation farther than the right was voluntarily surrendered by the States. They therefore had no power to go further, and, if they legislated at all, must do it in the manner it was accomplished. I am still at a loss to see how this law favors the idea that the United States is bound to enforce the laws of the States, or can be a precedent for the bill under consideration. I have nothing to add to what has been said in regard to the quarantine laws. The course of legislation manifestly involves no great considerations of public policy, but is pursued for its convenience and efficiency.

Secondly. He says I allege it transfers the power over the mail from this Government to the States. And is not this true to the extent I contended? If the States make such laws as they please, and we pass and continue this law, which makes such State laws our own laws, is not the power in their hands? And is it not there permanently, if we are bound, as the Senator seems to contend, to adopt such laws of the States?

Thirdly. He says I affirm that the bill and the report conflict. This is to my mind very obvious; I need not recapitulate, but will add a little to what I have urged. Let us state the propositions as they rise out of the report:

First. The report sets forth that Congress has no power to make a law to restrain the circulation of incendiary papers through the mail, because the postmasters have no right to determine what is and what is not incendiary; and because to shut papers out of the mail, because they are incendiary, would be an invasion of the liberty of the press.

Secondly. It affirms that the States have the right, respectively, to pass laws prohibiting the circulation of incendiary papers, because this is a reserved right, not parted with or granted away in making the constitution of the United States; and,

Thirdly. That the United States can by a law, such as the bill before us is, adopt and enforce such State laws, having constitutional power so to do, and being bound in duty so to do.

The question, then, is, whether the report is consistent with itself: whether the first and third propositions can both be true. If they are, then my view is erroneous; if they are not, then the bill conflicts with the report, for the bill rests, as the Senator declares, on the third proposition for its support.

To place the matter in a clear point of view, I will suppose the first two propositions to be well founded, and that the power to pass such a law does not reside in this Government, but does reside in the States. Can we, then, constitutionally adopt or carry into execution, by our legislative power, the laws of the States, when we have no power to legislate upon the subject-matter? Can we do by indirection what we have no power to do? The answer is very plain, and we are brought to the inquiry, Are not the first and third propositions on the question of constitutional power identical?

What does the Senator say we have not the power to do? That we cannot pass a law requiring the postmasters to separate from other matter in the mail that which is termed incendiary. Such a law would be unconstitutional, and therefore could not be enforced.

What does he say we can do? That if Carolina passes a law prohibiting the circulation of such papers, then Congress can, by a law of its own, require the postmasters to separate such papers from the residue of the mail, and deny them the right of transportation, under pretence of enforcing the law of the State.

What would be the great and only object of such a law as we, by this supposition, have no power to pass? Clearly to prohibit the circulation of incendiary papers.

What would be the object of making a law to enforce the law of Carolina? Obviously to prohibit the circulation of incendiary papers.

What further does each law propose? To restrain the postmasters, under penalties, from receiving or delivering such papers into or from the post office.

What, then, is the difference between a direct law, asserting boldly the right to investigate the contents of the mail, and to separate the offensive matter, and cast it out, and a law which requires obedience to the laws of a State which make the same thing obligatory? The law of the State, so far as regards the Post Office, is a dead letter, without the aid of a law of the United States.

The object to be accomplished in both cases is the same; the agents to accomplish it are the same, and the power by which it is done emanates, in both instances, alike from the United States. The object, the agents, the measure of power and its source, are then all identical. We are therefore fairly brought to the question, is the power to be found in the constitution? for the United States can resort to no other source. The Senator says, under his first head, it is not. But the bill rests on the ground that it is. The report and the bill then conflict, or my reasoning is all false. The Senator reasons down the right to clothe postmasters with this authority by the constitution. If this argument is well founded, how can an argument be alike well founded that reasons the power up? I am not friendly to either scheme; but if the alternative were presented, I should prefer the direct power, because we should then at least have a uniform law throughout the country; but under the proposed measure we should have as many and various laws as the several States choose to enact, which in itself would be both perplexing and a serious evil, if not unconstitutional.

All this I will dismiss, and pass to another inquiry in which the public is greatly interested. Will not the proposed law invade the liberty of the press? If, under the Post Office power, there is a right to exclude from the mail newspapers of a certain class, then there is a right to exclude all, and thus frustrate the diffusion of intelligence, and very much abridge the power and influence of the press. This is too apparent to require proof.

What, then, shall go in the mail, and what not? Here we are obliged to go to the constitution, as it is admitted that Congress has no power except what is conferred by the constitution. On looking into the instrument, we find, among the grants of power, this language, as I stated on a former day: "To establish post offices and post roads." A simple, naked power, given in the fewest possible words, leaving to Congress to determine what a post office and post roads were, and how they should be established. The word *mail*, it will be observed, is not used, nor is any mention made of what shall be received or transported. Hence it is manifest that Congress must have the power of determining what shall be the business of the Post Office and what shall be carried in the mail. This has always been done, and it is impossible to execute the power granted by the constitution without doing it. At the same time there must be some reasonable limits assigned to the power, or the great purposes of the framers of the constitution will be frustrated. Where these limits are, is the embarrassing question; and I am free to say there is much difficulty in fixing them with a precision which satisfies the mind. A post office and post roads are spoken of as things known—as words having a determinate signification, which could be comprehended. I must, therefore, again ask the attention of the Senate to the meaning of this language; and again declare my belief that the intent of the thing was to provide for the transmission of intelligence. But, perhaps, inquiry will be better satisfied by ascertaining what a post office and post roads were at the time this language was employed; for it must have had reference to something which had been previously known. A post office existed long antecedent to the adoption of the constitution, and mails were run through the country, which carried letters, newspapers, and other periodicals. This was what then constituted a post office, and doubtless this is what is referred to under the name of post office in the constitution. The institution to be kept up under the constitution was to be substantially like this; for, if material change had been intended, it would have been provided for, so as to be intelligible. The great object, then, of the post office was to send abroad intelligence, to give despatch to letters, to interesting news concerning the welfare of the country, to politics, to the debates and doings of public bodies, legislative, judicial, or of whatever character, that the country might be informed of its own condition, and understand its own great interests. This was the business of the post office before and at the time when the constitution was made. This was what was meant by a post office. It was a great public institution, of such importance as to be deemed worthy of the national care and superintendence. It constituted a component part of the great machinery of a free Government, and was deemed indispensable to its convenience and preservation. It had other objects besides the transmission of letters: for letters are private in their character, belonging mostly to private business or to social relations. The interest which the public had in it, and which gave to it its great public character, went far beyond letters, to the transmission of printed intelligence, the diffusion of knowledge, and information emanating from the press. The press thus connects itself directly with the post office, and the latter seems designed as an auxiliary to it. Such being the state of things before the adoption of the constitution, what followed that event? The same state of things has been continued by laws enacted for that purpose, until this day. We have, then, anterior, contemporaneous, and subsequent construction, all concurring to show what a post office was designed for.

The provisions of the constitution are all intended to exist in harmony, and to be enjoyed together. We cannot, therefore, in accordance with the spirit of that instrument, give a construction to one power which shall destroy or seriously impair another. The boundaries of each must be preserved, and watchfully guarded.

In this connexion, Mr. President, I will ask the attention of the Senate to the constitution as regards the press. The framers made no provision regarding it; but so jealous were the States of the rights to freedom of speech and the liberty of the press, that they were unwilling to be silent in regard to them, lest they should, by construction, be invaded. They therefore demanded an amendment, which, among other things, contains the language which I will read: "Congress shall make no law abridging the freedom of speech or of the press." Abridging is a strong word; it means that Congress shall not diminish the freedom of the press. The freedom of the press must stand, then, as broad as it was when the constitution was made. The right is reserved, and we are forbidden to touch it. All grants were made clearly on condition that this privilege was to remain unimpaired. The plain sense of the matter is, that the power to establish a post office is a grant, but was not to be so used as to abridge the liberty of the press. If either must give way in a conflict, the grant must yield to the reservation. But what was the freedom of the press? What liberty and privileges had it enjoyed? The naked right to print, without the right to publish, would be a humble privilege. The two were united, and one mode of publishing then and ever since enjoyed was by transmission through the mail, that is, of periodicals. Now, is it straining the fair meaning and spirit of the constitution to say this is one of the privileges belonging and designed to be perpetuated to the press? I know the whole must be regulated by law; but can you, without invading the design of the constitution, refuse to transmit letters? Can you shut out all newspapers? Can you debar periodicals of reasonable dimensions? If you can, you have the power to utterly subvert the main purpose of establishing a post office, and to utterly frustrate its usefulness by destroying its public character. Regulation cannot, with propriety, be carried to this extent.

But it is said you may shut out vicious matter, because you have no right, says the Senator from Georgia, [Mr. KING,] to circulate incendiary papers to the injury of slaveholders. The Post Office, it is urged, was never designed to do injury. This I admit. But does it follow that, in correcting the evil, you are authorized to inflict greater injury? That in separating the tares, you may root up the wheat? Can you arrest in the mail forged papers, libels, or treasonable correspondence? Not without establishing an espionage, a scrutiny into the contents of the mail, which would violate its sanctity and frustrate the whole design of it; for who would employ the mail if its contents are to be made public? If your power of regulation is to extend thus far, the productions of the press upon politics, religion, philosophy, and morals, may, one after another, fall as the victims of caprice or expediency. Where, then, will be the liberty of the press? Limited to the little circle of publication in its own neighborhood; for you have the power to prohibit private mails of papers the same as you do of letters. Will the press, thus penned up and circumscribed, be the great herald of public liberty, proclaiming its voice throughout the whole country? Is this what was meant by the freedom of the press? Is this the manner in which the doings of Congress and other public bodies are to be published? If it is, then have the public greatly erred in their estimate of the power of the press; and the people, in adopting the constitution, overrated its importance by insisting on its preservation. The press is the great organ of a free people. It is the medium through which their thoughts are communicated, through which they act upon one another, and by which they reason with, instruct, and move each other. It rouses us to vigilance, warns us of danger, rebukes the aspiring, encourages the modest, and, like the sun in the heavens, radiates its influence over the whole country. The people viewed it as vital to a republic, and gave it the mail as an auxiliary; and you might as well expect the blood to flow through the system without the heart, as to have the press exert its influence in a salutary manner through the country without the aid of the mail.

What, Mr. President, are the reasons uniformly given for abridging the liberty of the press? Just the same we have heard in this debate; because it sends forth incendiary, inflammable publications, disturbing the public peace, and corrupting the public mind. All censorships are established under the plausible pretence of arresting evils too glowing and flagitious to be tolerated; religion, morals, virtue, are in danger, and the public good demands interference. Great principles, fundamental in their character, are thus assailed on proof of abuses which no doubt at all times exist; and when once, through such pretences, a breach is made, the citadel falls. This was the reason for leaving nothing uncertain in the constitution for denying the right to abridge the liberty of the press, come what might.

Such, sir, are my views of the connexion between the Post Office and the press, and I will dismiss this part of the subject by remarking that I will not affirm that Congress cannot, under pretence of a power to regulate the mail, exclude papers called incendiary, for, after all, they must assign the limits to their power; but this I will declare, it cannot be done without invading the press, and abridging its freedom, contrary to the spirit of the constitution, and the intent of those who made and adopted it. Nor can you do it without subverting the design of the Post Office, by making public the contents of the mail. Your offices will be filled with a host of inquisitors to perform this odious work; and he who intrusts the mail with any thing that should not be made public, will find himself a helpless victim entangled in the meshes of the Government, to be delivered over to the holy political brotherhood for persecution.

Sir, the mail, instead of being an institution for the benefit of the people, would, in the hands of a party, and devoted to that party alone, become too strong for the people. This power of lawful scrutiny is exactly what would be desirable, and, once granted to this Government, will never be reclaimed. The papers of the party in power would find despatch as orthodox, while all others would be found filled with offensive matter, and pass under condemnation. Sir, no man, and above all, a political partisan, should be intrusted with power where there is such a temptation to abuse it.

Sir, I will detain the Senate only to observe that this measure is full of danger, and I see no urgent reason for adopting it, as the States have ample power to protect themselves.

After Mr. DAVIS had concluded,

On motion of Mr. **BROWN**, the bill was laid on the table, and the Senate proceeded to the consideration of executive business.

After remaining a short time with closed doors,

The Senate adjourned.

WEDNESDAY, APRIL 13.

TURNPIKE FROM ZANESVILLE TO MAYSVILLE.

Mr. **EWING**, of Ohio, rose to present a petition, addressing the Chair to the following effect:

Mr. President: I am charged with some memorials praying for the aid of the United States in constructing a turnpike road from Zanesville, in the State of Ohio, to Maysville, in Kentucky, and I ask the indulgence of the Senate while I say a few words in explanation of their object.

The great southwestern road, which diverges from the Cumberland road at Zanesville, and passes through Maysville and Paris, in Kentucky, and thence by its branches communicates with the whole southwestern portion of the United States, has long been and is still one of the utmost importance in a national point of view. Before the continuation of the national road west of Zanesville, the travel upon this southwestern road very much exceeded that upon the present route of the national road westward. The nature and the population of the country to which it leads would indicate, even to the most casual observation, that, with an equally good road, the travel upon it must still for some time be much greater than upon the other, and the mails which pass upon it are believed to be now of equal importance.

In this situation of things, it was the understanding and belief of the people upon this road, and those to whose country it leads, that it would be carried on simultaneously with the present national road, after they passed Zanesville, the point at which they separate. This, however, failed, in the manner mentioned by the Senator from Kentucky, [Mr. CLAY,] the other day, while the Cumberland road bill was under discussion. Repeated efforts have been made since that time to obtain the aid of Congress in the construction of this road, or some part of it, but they have failed. The citizens of Kentucky (wealthy and public spirited as they are) have constructed the road from Lexington to Maysville, and it is one of the finest that I ever saw. There now remains to be filled up the distance from Zanesville to Maysville, about 145 miles, to make a road worthy of the nation, from Lexington (and now, perhaps, some twenty miles beyond it) to Baltimore. The want of that connexion is very deeply felt.

The citizens of the several counties of Ohio, through which the road, if ever constructed, must pass, met last fall in their primary assemblies, and sent delegates to a general convention from, I think, eight counties. That convention petitioned the Legislature of Ohio for an act of incorporation, and the aid of the State in funds to assist them in the performance of the work. The Legislature granted the act of incorporation; but so great had been the expenditures for internal improvements for years past, that they felt that the additional means could not be be furnished to effect even this great purpose. The people, still intent upon their object, are again meeting in their primary assemblies to petition Congress for aid; the memorials which I present come from organized meetings in two of those counties, Adams and Fairfield. They speak of the object, as it is felt by them to be one of great importance. They say, what I am well aware is the fact, that the expense of its execution is too great for the unaided means of the people of the country and towns through which it passes; but that with aid from us here, proportioned to the advantage which the United States would derive from its construction, they can and will effect it. They are willing to put their own shoulders to the wheel while they pray to Hercules. They say that there are about 500,000 acres of the public lands south of that road which have been offered for sale about thirty years, and still remain unsold; and they ask that 200,000 acres of that land, or its proceeds, be applied to this object; in consideration of which they will engage to construct a good turnpike road between those two points for the transportation of the mail free of cost for ever to the United States. I ask the favorable consideration of the Senate to these memorials, and move their reference to the Committee on Roads and Canals.

The memorials were referred accordingly.

TREATY WITH SPAIN.

On motion of Mr. **KING**, of Alabama, the bill giving effect to the eighth article of the treaty of 1819, made with Spain, was taken up.

The question being on its passage,

Mr. **KING** asked the unanimous consent of the Senate to amend the bill by adding at the end a proviso that nothing in this act shall be taken to admit that the eastern part of Louisiana, as ceded by France, does not extend to the river Perdido.

There being no objection, after a few words from Mr. **PORTER**, the bill was so amended, and passed.

PUPLIC GROUNDS IN THE DIST. OF COLUMBIA.

The resolution to authorize the Commissioner of Public Buildings to rent out the public grounds for the purpose of planting mulberries being taken up, on the question of its third reading,

Mr. SOUTHARD remarked that the resolution had been passed through its first two readings yesterday, in a manner not to attract the notice of the Senate. He did not see that the resolution could be justified either by propriety or necessity. The public grounds are intended to be public reservations for public buildings, and for ornament, and the recreation of the citizens. There could be no propriety in renting out these grounds for a mulberry plantation. He had heard no reason assigned in favor of the proposition. If there was a desire to plant mulberries in this District, there would be no difficulty in obtaining land from individuals for that purpose. There was such to be found, just as convenient and suitable as the public grounds, which was in private hands. The public grounds might be required for other purposes before the terms for which they might be rented would expire. For the purpose of inquiry into the facts, he would move to refer the resolution to the Committee for the District of Columbia.

Mr. NILES made a few remarks in a very low tone, intimating that the lands appeared to be in a waste and unprotected condition, going rapidly to ruin. He knew of no strong reasons for adopting the resolution, because he believed there were none. If there were any strong objections to the measure, they ought to be stated. At present, these grounds, instead of being in a flourishing condition, looked as though they had heavy mortgages on them, without fences, and without any attempt to improve them.

Mr. SOUTHARD said he did not say these grounds were in a flourishing condition; but he thought it right that the subject should be inquired into by a committee. A proposition was at this time before the District Committee to place these grounds under the charge of some one, and to enclose some of them, which were lying west of the Capitol.

The resolution was then referred to the Committee for the District of Columbia.

INCENDIARY PUBLICATIONS.

On motion of Mr. CALHOUN, the special order, being the bill prohibiting deputy postmasters from receiving or transmitting through the mail, to any State, Territory, or District, certain papers therein mentioned, the publication of which, by the laws of said State, Territory, or District, may be prohibited, and for other purposes, being taken up,

Mr. BENTON said he was not willing that the United States should be made a pack-horse for the abolitionists; but it seemed to him to be going too far to invest ten thousand postmasters (for he believed that was about the number) with the authority invested in them by this bill, and he could not vote for it. The authority was such an one as would lead to things they might all regret. He was very sorry to vote against any measure which, even in appearance, had for its object the suppression of so great an evil; but he thought this bill was not calculated to effect that object.

Mr. GRUNDY hoped this bill might be postponed for a short time, so that gentlemen might turn their attention particularly to it, and if it did not suit them, to offer them such a bill as they could support. This Government was made to protect and secure the States in all their rights; and, if so, it was very strange that it should permit one of its departments to throw firebrands among them to destroy them. The general Government was bound by solemn contract to protect them in their persons and in their property, and he wished gentlemen to examine the constitution, and see whether it prohibited such a regulation of the Post Office Department as to prevent the transmission of these mischievous publications. The States had no Post Office Department. The power to establish that Department was entirely delegated to the general Government. The power, therefore, over that Department by the general Government was complete, and could not come in conflict with the State Governments. He was speaking now as to the power under the constitution; and could it not make all constitutional provisions to regulate that Department? He admitted that although the power did exist, perhaps no subject was so liable to be abused, or so dangerous in the exercise of it. A power was, during last summer, exercised by the Postmaster General, and some of the postmasters, which answered the purpose; but they acted without law. If it answered without law, it certainly would with it.

Mr. G. replied to some remarks of the Senator from Ohio, from whom he differed in opinion in regard to the obligation of States to each other concerning slaves, and cited the constitutional provision, that any person bound to service, escaping into another State, should be given up on demand. His object, however, in rising, was to ask the Senator from South Carolina [Mr. CALHOUN] to consent to let this bill lie on the table, to be called up again on Tuesday.

Mr. NILES moved to amend the bill by striking out the first section and inserting the following:

"Limiting the operation of the bill to postmasters where the newspapers prohibited are to be delivered, and also to confine it to newspapers, the design and tendency of which are to excite insurrection among the slaves."

The first section of the bill embraced papers touching the subject of slavery, the circulation of which was prohibited by any of the States.

Mr. N. said he had offered the amendment for the consideration of the Senate, believing the bill to be wholly impracticable as it was, as well as objectionable in principle. He did not think he could support the bill, should the amendment be adopted, as that would not change its principle; although he thought it would remove a large share of the practical evils and inconveniences which the law would occasion. He would explain the difference between his amendment and the bill; the first section of the bill prohibits any postmaster from knowingly receiving and forwarding in the mail any newspaper, pamphlet, or other printed or written paper touching the subject to slavery, into any State, Territory, or District, the circulation of which is prohibited by the laws of such State, Territory, or District. It also makes it unlawful for any postmaster to deliver any such prohibited newspaper when it shall have reached its destination. The amendment confines the operation of the law to the postmasters where the inhibited paper is to be delivered. This would secure the object of the bill, and avoid many of the evils and inconveniences which would attend it as the provision now stands. The amendment differs in another particular from the bill: it limits and defines the description of papers which are prohibited; the language in the bill is, "any newspaper touching the subject of slavery;" this is general and indefinite, and would embrace almost every periodical in the country. The amendment confines the law to such papers as are designed and calculated to excite insurrection among the slaves. These are the essential points of difference between the amendment and the first section of the bill.

Mr. RUGGLES observed that one of the difficulties which, as it appeared to him, was involved in the first section of the bill, was brought to view by the amendment proposed by the Senator from Connecticut. The great difficulty was in the postmasters' determining what publications were interdicted by law, and what were not--what publications came within the prohibition, and what were excluded. As the bill was reported, all publications touching the subject of slavery were prohibited. The amendment proposed prohibits only those which were designed and had a tendency to produce insurrection among the slaves. He thought it would be more difficult to decide what were designed and had a tendency to produce insurrection than to determine whether a publication touched the subject of slavery at all or not. Both the bill and the amendment were exceptionable in that respect, but the amendment was more so than the provision of the bill for which it was intended as a substitute. It would be impossible for postmasters to decide upon the design and intent of all publications passing through their hands, or deposited in their offices, with any certainty of being correct. If this bill became a law, South Carolina might pass one law prohibiting the circulation of publications of a certain description, Virginia might pass another law, and Alabama another, and so on through all the slaveholding States, all having the same purpose in view, but differing in their details and in their terms. Now, all the postmasters in the United States would be obliged to make themselves acquainted with these State laws, and give to each a construction according to their best judgment and discretion. And they would be required to decide correctly at their peril. Could it be supposed that all of the eight or ten thousand postmasters would arrive at the same conclusions in regard to the true construction of these several State laws? And what would be the consequences of a mistake? They must give a true construction to each, on their peril. They will be liable to incur a penalty on the one hand or the other. If they permit the circulation of publications which a court should decide to be within the prohibition of the law, the penalties of this bill would attach; if they stop what should ultimately be decided not to be within the prohibition, according to the construction given to the law, they would be liable under the present post office laws. Now, however correct postmasters may be in regard to other matters, they are not all lawyers, and could not with unerring certainty determine the character of every publication, and have their opinions stand the test of a judicial decision. The courts themselves might differ. It seemed to him that the amendment requiring postmasters to decide upon the design and intent was exceedingly objectionable, as throwing additional embarrassments in their way in the performance of their duties, and for that reason he could not vote for it.

Mr. NILES said the Senator from Maine [Mr. RUGGLES] had passed over the chief provision in the amendment, and taken an exception to a comparatively unimportant part of it. The great object of the amendment is, to restrict the operation of the bill to offices where the prohibited papers are to be delivered, which will of course be only in those States which have, or may enact, laws prohibiting the circulation of such publications. This amendment would so change the bill that it would not have the slightest operation on all the postmasters in thirteen States in the Union. As the bill now is, it would be an impracticable law; it would not be possible to execute it, it would paralyze and destroy the entire mail establishment. It requires duties of postmasters which they cannot perform, without delaying and deranging the whole operations of the mail. It confers on a deputy postmaster, a mere ministerial officer, federal powers; and requires him to decide questions of the most difficult and delicate character; to put a construction on the laws of a State, and determine what publications are prohibited by such laws. To decide what is incendiary matter would be similar to deciding what is a libel, what constitutes blasphemy or heresy. Of all cases ever tried before judicial tribunals, these are the most difficult and uncertain. Yet a federal power similar to this is to be conferred on all the postmasters in the United States. What is the number of periodical publications in the city of New York? Probably fifty or more of every description, many of them daily. They must all be examined before they can be lawfully forwarded, and of course time must be allowed for the performance of this service. These are, most of them, of a miscellaneous character, made up from other publications, and of course each paper must be carefully examined in its entire contents, to see if it contains any thing touching the subject of slavery. This would be utterly impracticable.

He was aware that the same difficulty would exist to some extent under the amendment, but it would be confined to the offices where the prohibitory laws prevailed; where the evil from the circulation of such papers is apprehended. In those States the postmasters would be better acquainted with the State laws, and the public sentiment would be favorable to their execution. He must admit that there would be a difficulty in executing the law, should the amendment be adopted; but it would be confined to the States interested in the law, and would be less at offices where the prohibited paper was to be delivered than where it might be received, to be forwarded in the mail. A difficulty in the application was always experienced in acting on a new, doubtful, and untried principle.

He regarded the principle of the bill as unsound and dangerous, and did not think it could be modified in any way, so as to remove his objections. This principle will work a change in the mail establishment; a change from a free institution to one restricted and subjected to a legalized system of imputation and espionage. He would not go so far as the Senator from Massachusetts, [Mr. DAVIS,] and say that this was an infraction of the first article of the amendments to the constitution; it might not be strictly an interference with the liberty of the press, but it was in conflict with the spirit of that provision, for circulation and publication were intimately connected; and to limit and restrict the great public channel of circulation was to impair the efficiency of the press, by denying to it the only public facility of circulation provided by our laws. The public mail, like the press, should be free, free as the air we breathe; the nature, design, and usefulness of it, require this. If you take away this essential attribute, confidence in it may be destroyed, and its character may be entirely changed. The public mail is the most important and beneficent of all the institutions of the federal Government; it is one of unmeasured good, and brings its blessings to every man's door. It is one of those institutions that we must be careful how we touch.

The Senator from Maine supposes that the amendment would render it more difficult to execute the law, as the description of papers prohibited would be less definitively pointed out. This may be true. But the question is not which rule would be the most easy of application, but which is the most just? The language in the bill is so general and indefinite that it would apply to almost all papers of every description; the words, "touching the subject of slavery," are as extensive as any that could be used; it would be easy to apply them, as they would embrace all the newspapers in the country, as all allude to the subject of slavery. But would not this give an operation to the law, dangerous and alarming? The amendment would confine it to newspapers the design and tendency of which are to excite insurrection among slaves--to those calculated to produce the mischief which it is the object of the law to prevent. He thought the evil, however, within the reach of State legislation, and should like to see the energies of that applied to it before we were called on to enact laws on the subject. State laws could take hold of these publications the moment they came from the Post Office, and stop their circulation, or require them to be surrendered up to a magistrate and destroyed. However he might deprecate the circulation of these mischievous publications, he was not satisfied that there was any urgent necessity for calling in the agency of this Government.

Mr. RUGGLES replied that, if he understood the amendment offered, it went to endorse all the laws of the several States which should hereafter be passed, interdicting the circulation of publications designed or having a tendency to produce insurrection among the slaves of such States. The Senator says that the design and intent would be the important subject of inquiry; that criminality cannot be determined without ascertaining the motive and design with which an act is done. That would, indeed, be a very proper and necessary matter to be inquired into when the original author of the publication should be put upon his trial. But he presumed it was not the intention of the Senator to transfer the criminality from the author of the publication to the postmaster who permits its circulation. The criminality of the author would not or ought not to be the subject of inquiry any further than was necessary to determine whether the postmaster decided correctly or otherwise, as to the design or tendency of the publication on which he passes judgment. He objected to the amendment on the ground that it would be impossible for postmasters to determine in most cases as to the design and intent of the publication. He is required to judge at his peril of the design of the author, which he cannot possibly know. He cannot procure evidence, he cannot examine witnesses for the purpose of proving the design, nor even the tendency of the publication he is to judge of. Yet, when he is arraigned in court for delivering out publications contrary to law, he is to be judged on evidence to which, in forming his opinion, he had no access. A court can summon witnesses and obtain evidence; but postmasters in their offices have no opportunity or means of taking testimony to establish facts which they must decide under a penalty for every mistake of judgment.

Mr. NILES. The Senator from Maine does not appear to understand the amendment. There is nothing in it which directs an inquiry into the motives or intentions of the publisher; the inquiry is confined to the publication, and has nothing to do with the publisher. The language is, that "no newspaper, the design and tendency of which are to incite insurrection among slaves." The inquiry will be as to the character and tendency of the paper, as to its general object and purpose, and the tendency of such a publication.

Mr. RUGGLES then observed that he might have mistaken the views of the Senator in proposing the amendment. He did understand him to say that the motive and design with which any publication was made was the important matter to be determined. But if it was not the object of his amendment to impose such a duty on postmasters, and it should be modified so as to embrace the question of tendency only, he should have less objection to it.

Mr. GRUNDY said, no doubt the Senator from South Carolina [Mr. CALHOUN] was the best judge himself as to whether he had done his duty to his country. But in his (Mr. G's) humble judgment, he would not put the bill into the hands of enemies, to do with it as they pleased. He could not say as to the correctness of the Senator from South Carolina in his belief that the majority were going against the bill. If he had reference to the objections made by the Senators from Ohio and Maine, and wished them brought in on party grounds, that would look a good deal like making it a party question, and he did not know whether it was best to do so. Although the party went together in most cases, yet they reserved the right to differ in some instances, and could not be kept together on all questions. The Senator from Connecticut, [Mr. NILES,] who was undoubtedly a very faithful supporter of the administration, had, in this very case, differed from the executive recommendation. But that did not make him an anti-administration man. Where they could conscientiously support the executive recommendations, the friends of the administration were disposed to do so; but if a Senator who was an administration man should occasionally vote against an executive recommendation, he was not considered, on that account, an anti-administration man; nor if the Senator from South Carolina [Mr. CALHOUN] should happen to vote for an executive recommendation, it would not make him an administration man. But he would say this much: that if the Senator from South Carolina would bring in all his party to the support of the bill, they would, he had no doubt, be able to carry it. But where would this party logic lead to? If (said Mr. G.) we bring in all the administration party in support of this bill, then the Senator from South Carolina would leave us. And, indeed, he thought that Senator already not so zealous as at first. Mr. G. thought this a delicate question, and one that ought not to be acted on hastily. He would like to hear the views of others in relation to it. He wanted, however, a final action on it this session.

Mr. CALHOUN touched those topics because he knew there was a potent power in this Government; and when he heard the opposition coming from the quarter it did this morning, he confessed he thought it withdrawn from this bill. He differed from the Senator from Georgia [Mr. CUTHBERT] in adverting to the responsibility of the majority in regard to this matter. It was salutary to bring public attention to it. He was sorry to see the Senator from Tennessee [Mr. GRUNDY] employ his wit on so grave and solemn a question. He must say his wit was good and his reasons feeble. He alluded to the power invested in the Government by its patronage, and the immense amount of money at its disposal, and its control of the press. All he asked was that the Executive should keep the people in a state of harmony. He objected to the power exercised, because he had seen its abuse when applied to the removal of the public deposites and its distribution of the spoils. The Executive had expressed himself boldly in regard to suppressing these publications, and, he would say, manly; and he would do him the justice to say he believed him sincere, although mistaken, in this matter. He (Mr. C.) had not abandoned his interest in this bill; he had put it into the hands of a stronger party. He was happy to hear the general remarks of the Senator from Georgia, [Mr. CUTHBERT.] He wanted the country should have their eyes upon it. One point he could not abandon, and that was to have a final vote on the bill, and that he was determined to have. If the Senator from Tennessee would call it up in a reasonable time, he would consent to its postponement.

Mr. GRUNDY wished the gentleman from Connecticut might consent to strike out the latter part of his amendment. He thought the better way would be to have the postmaster not give out the incendiary papers, but keep them in the office until the owner called for them; or, on his failure to do so, to destroy them. That modification would make it more acceptable to him, and, he had no doubt, to some others.

Mr. CALHOUN said that, in bringing this subject before the Senate, he had done his duty. He had brought it before them with the aid of the special committee appointed for that purpose, and it depended on them whether it should pass. All he asked was, that there should be a final vote on this subject; and this was due to those he represented, that they might distinctly know whether there was a power in this Government to arrest the evil that all acknowledged to exist; and if there be such a power, whether there was a disposition to exercise it for the remedy of that evil. The attacks of these incendiaries were through the mails, using the press as an auxiliary. This was an acknowledged evil, and the question was, had they the power to arrest it? If we have no power, (said Mr. C.,) let us say so at once; but if we have the power, let us understand the extent of it, and why this power is not exercised. Let this, said he, be told to our constituents. Let it be told to them, if the mere convenience or inconvenience of the mails is considered of more importance than their existence. He had done his duty, and the responsibility now rested on the majority. He could not but be surprised at the course of the friends of the Executive. He had heard Senators denounce this measure recommended by the Executive, as unconstitutional, as tyrannical, or an abuse of power, who never before dared whisper a word against the administration. What was he to understand from this? Was it because the present Executive was going out of power, that his influence was declining? Was he to understand from this, that it was now for the first time discovered that the man who never erred had committed the most monstrous errors, recommending an abridgement of the liberty of the press and a tyrannical espionage over the Post Office? The very thing they denounced as proposed to be done by Congress was now informally done by one branch of this administration. They all knew that many of the postmasters at the North, and the whole of the postmasters at the South, had refused to receive these incendiary publications for transmission through the mails. Yet this bill, giving the authority of law to that which was now done without authority, was denounced by administration members as a most tyrannical abuse of power, while they did not raise a whisper against those officers of the administration who now exercise this power.

He must express his surprise that gentlemen who now denounced this measure, which was to legalize what had been done without authority, had sat there silent during the whole session, knowing that what they deemed such an unconstitutional abuse of power was carried on. Why did they not introduce a resolution to inquire into these abuses? Why did they not denounce them at first, instead of waiting until the action of Congress was proposed? There was a strange disease in the public mind. They permitted the Executive to do without censure what they refused to permit Congress to do. If the Executive trampled on the laws and constitution, not a word was said; but when Congress came to legalize what the Executive had done, and to do what he had recommended, then the liberty of the press was assaulted and the constitution violated. Mr. C. here referred to the President's protest, and to the removal of the deposites, citing them as abuses of power, and spoke of the deposite banks as being a greater evil than the Bank of the United States.

Mr. GRUNDY observed that it was hard that the Senator from South Carolina and himself could not get along when they agreed. We agree, said he, as to the object, but as to the means of effecting it we may disagree, though not essentially.

[Mr. Calhoun said that his remarks had no application to the Senator from Tennessee, who he knew, from frequent conversations with him, was in favor of the principles of the bill.]

Mr. Grundy continued. As to the responsibility being with the majority, he did not know how the blame would be apportioned out, if he (one of the majority referred to) should be in the minority with the gentleman in this bill, for the gentleman's friends over the way might come forward in a solid phalanx, and vote them down. Now, he did not agree that it was necessary that the twenty-five friends of the administration should always go together in all things. He, it was very well known, went with the administration on most occasions, but there might be cases where he could not agree with them; there he would leave them. So, also, it might be with other friends of the administration, and with regard to this bill. If the majority voted for all the recommendations of the Executive, it might be said of them that they only registered the edicts of the Executive; a tolerably harsh expression, which had with great injustice been used towards them. If, on the other hand, the majority did not go together for the measures of the Executive, they would be charged with defeating his recommendation. He did not think this fair. If the measure failed, the majority should not justly be blamed as a party, but each individual member ought to bear the responsibility for the part he took. The Senator from Massachusetts, [Mr. Davis,] whom he heard yesterday, conscientiously believed that this bill would be a violation of the constitution, and an assault on the liberty of the press; and, on the contrary, the Senator from South Carolina believed that the measure was just and necessary, and perfectly within the constitutional power of Congress. He should not say that the Senator from South Carolina was an administration man, because he voted for a measure recommended by the Executive; nor would he say that the Senator from Massachusetts was an anti-administration man for voting against it; because he believed that the gentleman might be considered a very good administration man, and to be relied on on most occasions. Believing that the bill was a safe and constitutional measure, and that the times called for it, he should vote for it with some modifications. He did not design to go into an argument on its merits at that time, as he thought that it had better be laid on the table for the present. He should aid the Senator from South Carolina in calling it up whenever it did not interfere with the railroad bill, to which he had referred.

Mr. CALHOUN said the Senator from Tennessee [Mr. Grundy] was much mistaken in supposing he reflected any censure upon him as an administration man. The President himself had given his recommendation, going much farther in this matter than he had. The gentleman was correct in saying that, in the general range of party discipline, they reserved the right to act for themselves. But he saw in this House men who, by raising, their finger, could make this a party question. It was his opinion that they made nothing a party question that was not connected with the spoils. The same party had been brought to bear on the expunging resolution, the deposite question, the surplus funds, and which had kept those funds where they now were, in the hands of speculators, who were to be brought to bear on the people. That power was brought to bear on the spoils; and although the Senator from Connecticut [Mr. Niles] had dissented in this case, he would have found it a little hazardous to have went against the Executive recommendation in regard to the removal of the deposites, or the recharter of the United States Bank. The Senator from Tennessee [Mr. Grundy] had put Tuesday as the day to postpone the bill to. That Senator and himself agreed in the general. They had had conversations respecting the bill, and his remarks were not intended to apply to him. But he feared that the bill, having grown out of the subject of the executive message, it might take a part of the administration from its support.

Mr. CUTHBERT had no disposition, at present, to say any thing as to matters more particularly before the House; but his purpose would be to state what, perhaps, though not stated, had weighed with almost every gentleman who wished the passage of this bill. All thought alike on the circumstances of the country on which this bill was intended to operate. A great republic, composed of several different republics, covering a vast extent of territory, under the influence and restraints of a general Government; and the question occurred, will that general Government show a disposition to protect one or more of these republics against plots hatched against their internal peace? If this was a just view of the subject, then, though the measure should not be carried into complete effect, yet the sanction given to the principle that this Government should protect as far as the legitimate exercise of its powers permitted, the several members of the confederacy, would have the most beneficial tendency. To prevent the effect of parties, that sanction would be all-important, by sustaining on the one hand, and restraining on the other. He called upon gentlemen, therefore, to endeavor to give to this measure that modified form, unobjectionable to any party, that would calm the feelings of the southern States, by showing them that the States which do not hold slaves shall not become armories for the forging of arms with which to assail them. This was all that the southern States demanded, all that a sense of justice and humanity required, and was dictated by the soundest policy as well as by every patriotic feeling.

Observations in reference to this subject had been made by the gentleman from South Carolina, which he much regretted to hear on that floor. He wished that the gentleman would restrain the frequent repetition of such expressions, as they necessarily brought on him, he feared, a suspicion of his sincerity. Why (said Mr. C.) should this be a party question? It would show a wickedness, a recklessness of the welfare of our common country, in any man, to endeavor to make it so. He wished the gentleman would restrain the expression of such feelings, as southern rights might be injuriously affected by a frequent recurrence to topics of this kind.

Mr. **GRUNDY** thought that they could get along with this bill without making it a party question. What division on it there would be among the friends of the administration he was not able to say, though he thought the most of them were friendly to the principles involved. Then, if the gentleman would get his friends over the way to give the bill their support, it might be carried, even if the administration should be against them. The Senator said that he had exercised some wit, and that his wit was good while his reasoning was weak. He would not say whether his reasoning was good or otherwise; he would leave that to be judged of by others; but he would say that it was better to have the wit good than to have both wit and reasoning bad. He would not make this application to the Senator from South Carolina. He had thought that what he said was in the legitimate course of argument, and he spoke in his own way, as he had done on frequent occasions.

He thought the best course would be to lay the bill on the table, as further discussion would only consume time without producing any practicable good. He would aid the gentleman in taking it up on the day proposed, provided it did not interfere with the railroad bill, which had by accident been put out of its proper place.

Mr. **NILES** said he would say a word in reply to the remarks of the Senator from South Carolina, [Mr. CALHOUN,] which seemed to have a personal allusion to himself. He did not suppose that his course would be acceptable to that gentleman, but he little thought of a complaint of the kind he had just heard, the want of party fidelity and zeal; he little expected such a charge from any one, and, least of all, from the Senator from South Carolina. He had supposed that his course had been such as to have satisfied that gentleman, at least, that he was prepared to do his duty as an humble supporter of the administration. He had supposed that, so far as party politics are concerned, he was quite orthodox, and always came directly up and toed the mark. He, with other supporters of the administration, had been repeatedly charged by that Senator with being governed entirely by executive influence; of not possessing a particle of independence; of being mere palace slaves. After these bold imputations, repeated so often and with so much vehemence, who could have supposed that it would be made a matter of complaint against any of us, that we had too much independence, and did not yield implicit deference to executive recommendations? Although prepared to hear almost any thing from that gentleman, he did not expect a declaration of this kind. The Senator says it is marvellous; he does not understand it; some great change must have taken place, and asks what it can mean. Sir, (said Mr. N.,) I will explain this matter; I will tell the gentleman what it all means. That gentleman has heretofore grossly misrepresented the friends of the administration. We are not the passive instruments of power, we are not the palace slaves, the gentleman has so often represented us to be. This is the explanation of the whole matter. I will not charge him with the doing us such injustice intentionally and wilfully, but it has proceeded from his violent prejudices, his heated imagination, and his uncontrolled passions, which have swayed his judgment and carried him great lengths; farther, perhaps, than he is himself aware.

He (Mr. N.) was charged with having denounced the executive recommendation. This is entirely incorrect. He had yet to learn that the gentleman's bill and the recommendation of the President are the same thing. The message merely presented the subject to Congress, for their consideration, whether some legislation might not be necessary, but does not point out what that legislation is to be. He had, however, great doubts whether there could be any legislation on this subject. He had great confidence in the judgment as well as the integrity of the President; of his profound and almost intuitive sagacity, his mature judgment, and strong, practical common sense, he had the most exalted opinion; in these strong points of character, he knew of no man living who is his equal. But the President is not infallible, and he could not act on his recommendation unless he was satisfied that it is just. The Senator says, entertaining the views he (Mr. N.) did, it was his duty to have introduced a resolution inquiring into the conduct of the Postmaster General, who had exercised similar powers to those proposed to be conferred on him by this bill. This (said Mr. N.) is a mistake. What has the Postmaster General done? He addressed a letter to the postmaster at New York, and another to the postmaster at Charleston, South Carolina, saying that, although there was no law authorizing him to exclude any papers or pamphlets from the mail, on the ground of their character or tendency, yet considering that in doing so they had acted from an urgent necessity, and from the high considerations of the safety of the mail, as well as the peace and security of society, he should not censure their conduct. This is all the Postmaster General has done, unless it be to throw out some suggestions and doubts whether it was proper and lawful to convey in the mail publications prohibited by the laws of the States into which they were to be conveyed. These were mere speculative opinions, and no action or instructions were based upon them. Perhaps no one had more confidence in that officer than himself; yet he dissented from these opinions, and had so informed him.

The Senator asks whether a new political movement is not about to take place—whether now the power and patronage of the President are near*ly* at an end, and his agency in disposing of the spoils--whether those who had professed so much admiration, and been such devotees of power, were not about to transfer their admiration and devotion to another object? Mr. N. said he could answer the question, so far as concerned himself; he could only speak for himself. It is true the power and patronage of the Executive are nearly spent; the offices are all filled; few more appointments are to be made; and those whose difference to the President has sprung from motives of this kind may now be directing their attention to another quarter. But this will not diminish the number of those honest supporters who have been influenced by confidence in the man, and admiration of the strong points in his character. Sir, in whatever is personal, in whatever belongs to the services, the character, the high attributes of mind, of the venerable man who now fills the highest executive office, those who have been his admirers are not the less so now, when his power is departing. The splendid sun which they gazed upon with delight and admiration when at its meridian, when its power and effulgence were at their height, they still gaze upon with equal veneration and respect; they discover it to be the same orb, unimpaired in its power, shining with the same steady and undiminished light, as in its course it descends to the far West, and will soon disappear for ever from our political horizon.

Mr. MORRIS, of Ohio, addressed the Chair as follows:

Mr. President: I understood the Senator from Connecticut to say, in the course of his remarks, that if the amendment he offered should be adopted by the Senate, still he could not, consistently with his views on the subject, vote for the final passage of the bill. If such are his suggestions, I regret that he has offered the amendment; for I think it but just that he should leave the bill in the hands of its friends, who approve its principles, and permit them to make it as perfect as possible, according to their judgment, before they present it to us for our final vote on the question of its passage. Opposed myself both to the bill and the amendment, upon the broad principle that its passage would be an abuse of the legitimate power of Congress, its details are, to my mind, of but little importance, for I cannot possibly see any shape in which the principle contained both in the amendment and the bill could be presented to my understanding, that would induce me to vote for it; yet I hold it to be fair and correct legislation, especially in so important a matter as this, that the friends of the bill should, in its progress, have the entire management; and, on my part, I should be glad that no obstacle should be thrown in their way; and I beg leave to suggest to my honorable friend from Connecticut to withdraw his amendment, and permit the bill to travel on to its final passage under the guidance of those who introduced it.

Sir, I have said that I was opposed to the bill; it contemplates the exercise of a new power or powers, in a new form, over the Post Office and mails of the United States; and if the power contemplated be not unconstitutional, it is, to my mind, a most dangerous abuse. "Congress shall have power to establish post offices and post roads." Those words, as used in the constitution, have an evident reference to an existing state of things; and the use for which post offices and post roads was intended—for the purpose of a free intercommunication of thoughts and opinions between the citizens of different parts of the country—was deemed of so much importance that the power to provide for its safety was vested in Congress; and the words "to establish" were used to denote that Congress had the power to fix, unalterably and immoveably, beyond the interference of any State power, the entire operations of the Post Office and the travel of the mail throughout every part of our extended republic. The Post Office establishment was not intended as an attribute of the power of Government, but as a means by which that power should be exercised for the benefit of the citizens individually, by providing a channel of free and full communication between them, though residing in different sections of the country; and that their letters, papers, or pamphlets, should pass without any hindrance or molestation from State authority. This principle has never been considered as a proper charge on the revenue of the country, but Congress have provided that it shall be supported and paid for by those who use it, Congress being vested with its management, and guarantying its safety and fidelity. The use of the mail, then, is in the nature of a reserved right, with which no law ought to interfere. It is not, then, a Government machine exclusively, which Congress can withdraw at pleasure, or render nugatory by the acts of its officers; but Congress have the power to regulate the expenses of the Department, and fix its income, so that the Government shall at no time be subject to or chargeable with any expense of the establishment; and the postage has, from time to time, been regulated accordingly.

It is true that the mail is a great convenience, and probably a necessary appendage to the Government; but I consider this not to be the first and most important object; it is second to the safety of intercommunication between the citizens of this extensive republic. Though this was the primary object, yet Congress has, in the regulation of the mail, levied a tax on those who make use of this privilege, to the full extent of all the purposes of Government, by the exercise of the franking privilege. I somewhat question the correctness of this franking power, while the Government contributes nothing towards the support of the Post Office establishment, because it is in the nature of a direct tax in the rates of postage, which is levied upon those only who use the mail, while all such taxes ought to be apportioned amongst the States according to their respective numbers. But, sir, it is not necessary, for the purpose I have in view, to examine this point. That Congress have power to regulate the mail, and prescribe what shall be carried therein, I do not deny; but I insist that this power is confined to the material, not the moral matter to be conveyed. Congress can prescribe the weight, the bulk, and the kind of material which shall not be conveyed by mail, but the material must be judged by its outward appearance alone, and not by breaking any envelope or seal for the purpose of ascertaining this fact; for instance, no postmaster would be bound to put into the mail a piece of sheet iron or tin, of the shape or size of a common letter, even on the payment of postage according to the established rates; and why not? because it is the usual means of conveying mental property only, and because its very texture would tend to the destruction of papers and documents which the mail was designed to convey, and which is its legitimate business; but if even an article of the above kind was carefully folded in the usual paper envelopes, sealed, directed, and put into the Post Office, it would be a dangerous exercise of power indeed to permit a deputy postmaster to refuse its conveyance in the mail, because he should judge it contained improper matter. But, sir, I would say to the Senator from Connecticut, that his amendment affords no redeeming quality to the dangerous principles of this bill, by confining its operations to postmasters in the slaveholding States. Can we, can Congress, take from any citizen in such State any personal right or privilege, or regulate under any circumstances the manner of this engagement? I should think not. Suppose a letter, package, or even a pictorial representation, folded and directed in the usual manner, and put into any post office in the United States: I would ask the gentlemen whose property that letter or pamphlet is? Does it remain the property of him who deposited it? I think not. And though postmasters might, as a mere act of courtesy, permit the depositor to take it back from the mail, yet he would not be bound to do so, because it is his sworn duty to forward all packages which, in their common outward appearance, are such as are commonly sent by the mail. Is a letter or package, when left in a post office, the property of the United States or Post Office Department? Surely not; no one will contend for this. It is then the property of the person to whom it is directed, and the United States have given a solemn constitutional pledge that they will convey it to him, without permitting its contents to be inspected or suffering it in any degree or manner to be detained or injured beyond what must necessarily take place in its passage.

Sir, what would be thought of the honor or even honesty of an individual who would receive a letter or printed document, under a general or special promise that he would deliver it safely to the person to whom it was directed, and should afterwards retain or destroy it, because he should be of opinion it contained offensive matter? Every honorable mind can furnish a ready answer. And what, sir, shall be thought of the honor of this Government, which, after having declared that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, should not be violated," and that no State shall pass any law impairing the obligation of contracts; who, after having received into its possession, for the purpose of carriage and safe delivery, the papers and property of one of its citizens, (for printed publications and letters are property, as well as papers,) suffer this property to be seized and detained, by the most unreasonable of all means, that of the belief of a postmaster that it contained something touching the subject of slavery? or permit the States, by any law or regulation therein, to violate, or rather impair, the obligation of the contract on the part of the United States for the delivery, as well as that existing between the person who sent, and him who has paid for, the publication or document, and for its transportation? Sir, the very thought that this Government is, or ever will be, disposed to listen to a regulation of this kind, must, in my humble judgment, meet with the most decided disapprobation of the great majority of the American people. We, sir, frequently lose sight of our argument, by attempting to extend it too much into generalities: the mind, by attempting to embrace too many ideas, is apt to become confused. I will, then, make a single case for an illustration of the subject; and I will take one as strong as the honorable Senator from South Carolina could desire. Suppose I and a citizen of the gentleman's own State should see proper to subscribe and pay for a New York abolition paper, or the proceedings of an abolition society. These tracts, by the laws of New York, are legitimate property, and he would violate no law, either human or divine, in making such purchase. The United States has an establishment, the Post Office, by which the Government has given a general notice that all property of this kind shall be conveyed for a given price; he pays that price, and his property, thus purchased, is sent to the post office in New York for that purpose; and, according to the gentleman's theory, this property is to be seized by an officer of this Government, without warrant, detained on mere suspicion, or with a knowledge of its contents, I care not which, and without the knowledge of the person to whom it belongs, and finally destroyed; and that, too, in the very face of these sacred pledges, given in the constitution, for the inviolability of its contracts, and the security of papers thus sent. I should tremble for the liberties of my country could I suppose for a moment that Congress would adopt a principle of this kind; the very suggestion, coming from the quarter it does, is sufficient to give alarm. But, sir, permit me to turn the tables on the gentleman. He, too, has had within his State a proceeding which caused much excitement both within and without the State; I mean the attempt to nullify acts of Congress on the subject of the tariff. I assure the gentleman I do not mention this with any unkind feelings whatever. If, in that excitement, societies had been formed, and publications made in the State, for instance, in which I reside, in aid of the doctrine contended for by the gentleman and his friends in South Carolina, I ask the gentleman what he would have thought and said, if an act of Congress had been passed to prevent the proceedings of those societies, and such publications in newspapers, from being sent by the mail to any citizen of South Carolina? Sir, I have no doubt he would have condemned the Government in the most strong and emphatic manner, for the bare attempt thus to embargo public opinion; but we are now called on, in the most impressive manner, to sustain a like measure, by the provisions of the bill now before us—a bill new in its character, unthought-of by any former Congress, and, in my opinion, well calculated to produce more excess and wide-spread discontent throughout the country, than any measure that has been submitted to the consideration of this body since the existence of the Government. And, pray, upon what ground is this extraordinary call made upon our judgment, addressed to our feelings, and, I had almost said, in despite of our patience? It is upon the ground that the general Government is bound to respect the laws of the States, to aid in their execution, and to permit its own officers, in the discharge of their duties, as required by acts of Congress, to be subject to the control of State laws, and liable to punishment for the performance of those very duties. And it is further insisted that slavery is a domestic or State regulation; that the property of the master in his slave is guarantied by the constitution of the United States; and that it is the duty of Congress to provide by law, in obedience to the wishes of the slaveholding States, or any one of them, that no pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, touching the subject of slavery, shall be sent into any State, Territory, or District, where, by the laws of such State, Territory, or District, their circulation is prohibited. Sir, the whole doctrine is founded in error; that fatal error which would subject the laws of Congress to the different policy of twenty-four States, and thus entirely destroy the usefulness and benefits which this Government was intended, and is calculated, to administer. In support of this strange, wild, and visionary doctrine, we, the free States I mean, are called on to put the gag into the mouths of our citizens, to declare that they have no right to talk, to preach, or to pray, on the subject of slavery; that we must put down societies who meet for such purposes; that we shall not be permitted to send abroad our thoughts or our opinions upon the abstract question of slavery; that the very liberty of thought, of speech, and of the press, shall be so embarrassed as to be in many instances denied us, and, if not entirely prohibited, rendered in a great degree useless. All this is required to be done by an act of this Government, out of respect to laws of one or more of the slaveholding States. Sir, I deny the whole argument and all its inferences, with but one single exception, and it is that which declares that slavery is a domestic or State regulation. While I freely admit this as my opinion, as my vote on the admission of Arkansas into the Union will prove, and although I may view slavery both as a moral and political evil, yet while we assure our brethren of the South and slaveholding States, in the spirit of truth and candor, that we have no power to interfere with their domestic regulations, and that our sense of the moral wrong cannot cause us pain for a breach of our political duties imposed on us by our own consent, with a full knowledge of their condition; and that under our social compact we would be bound to aid them in the suppression of any insurrection, whether servile or free, that should become too powerful for their own laws; if, after all these assurances made by us—and I repeat it with the utmost candor—I think it unkind, if not unjust, towards us, that gentlemen should not be satisfied, but still require of us another condition, that we should acknowledge that slavery is guarantied by the constitution of the United States; and though I have heard that doctrine often repeated, I have heard no express denial, a denial which I now venture to make in this Senate, and before the American people; and on behalf of the State I in part represent here, as well as myself, I enter my most solemn protest against it. This is the important point in this whole controversy; and on it I wish so to express myself, not only that I may be understood, but that it may be, as far as I am able to make it, impossible to misunderstand me. I deny that the right of property is guarantied by the constitution of the United States, or that the right of the master to his slave as property is founded on, or arises from, that instrument. Property in slaves, as well as other things, is a mere creature of law, and in this country is entirely the creature of State laws. The words slave or slavery are not to be found in the constitution of the United States; and, by a bare perusal of that instrument, without a knowledge of the past, no one would suppose that slavery existed in any form in this republic. Yet I am willing to admit that the constitution was formed with a knowledge existing in its framers that slavery did in fact exist in the different States; yet the slave is treated as a person, not a thing; and as a person, not as property, is represented in Congress. Hence provision is made in the constitution of the United States, that no person who is held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from service or labor, but shall be delivered up on the claim of the party to whom such service or labor is due. This provision of the constitution of the United States only recognises the existence of a person held to service or labor under the laws of a State, and in its application would as well be understood to mean a white as a colored person, and one held to labor for a term of years as well as a slave for life; and I cannot consent that this provision disproves the position I assume, that the constitution of the United States does not guaranty the right of property in slaves; yet I have heard this so often and so earnestly asserted, that I begin to feel some concern that, should this doctrine remain much longer without being contradicted, it might become the settled doctrine of the country, and produce the most mischievous consequences to the non-slaveholding States; for if it be true, and can be maintained, the honorable Senator from South Carolina, or any other gentleman, may bring his hundreds or thousands of slaves into the State of Ohio, cause them to labor there as long as it shall suit his convenience, and withdraw them at pleasure, and no law or regulation of my State—no, not even the constitutional prohibition against slavery—could reach his case, or afford us any security against this innovation; for the constitution of the United States, and the laws of Congress made in pursuance thereof, shall be, or is, the supreme law of the land, and the judges in every State are bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding. It seems to me that the free States have a thousand times more just cause for fear and alarm, while gentlemen so strongly assert their constitutional right to their slaves, that they will attempt to introduce slavery into the free States, than the slaveholding States have that we shall attempt to interfere in any manner with the question of slavery, as settled by the laws of their own States. They are attempting to overwhelm us by the power of this Government, while we deny the right of Congress or the Legislature of any State to interfere with the internal regulations or police of another State; but, while we deny this power of legal action, we contend that no institution of any State or of this Government can, or ought to be, exempt from the moral power of public opinion; that power by which the whole fabric of our institutions ought to live, move, and have its being. If the argument as to the constitutional question of the right of property in persons be sacred and inviolable, it is certainly much stronger and more forcible when applied to property in things; and although a State might, by penal enactments, endeavor to prevent any person from bringing into its jurisdiction, for use or for sale, playing cards or gambling machines of any description, yet as these articles might be considered property, and the right of the owner secured under the constitution of the United States, such penal enactments would be vain and useless attempts. A state of things of this kind would be most deplorable indeed, and one to which, I think, the people of the United States would not long and tamely submit. Yet if these things were manufactured in a sister State, held and recognised as valuable property there, our condition would be far worse, should Congress, by the exercise of its power, attempt to prevent us from speaking, writing, printing, publishing, and forming societies, for the exercise of all our moral power, in order to induce the people of our sister States to refrain from such practices, and of sending by mail all such proceedings, in order to induce them to abandon their pursuits, by proving that they were both moral and political evils. Yet such is the doctrine of the bill now before us; a plain exposition of which is its best refutation.

There has been another topic constantly connected with this subject: that if abolition societies and papers were not put down, and incendiary publications (as they are called here) prevented from being sent into the slaveholding States, that the Union must and would be dissolved, and that the South would take care of her own interests, and that she was sufficiently able to do so. I regret, as I have before expressed myself, on another subject, that I so often hear this threat of a dissolution of the Union; it is, however, a vain and idle threat, calculated to effect no good, but may do some mischief. We are sometimes spoken of as a family of States, and the allusion is not an inappropriate one. What family, I would ask, could long continue in harmony, if any one of its members, on the least dissatisfaction with the general economy pursued, should always be found declaring that he or she would dissolve the union of the family, or secede from it altogether? No family could long continue happy and prosperous under such a state of things; nor could partners in business ever be successful, or labor together in peace, if one of them should, on every slight occurrence, which he did not approve, make a like threat. For my own part, I should always be disposed to believe that persons who make such threats, desire what they threaten, and that their continuance in the family or firm, instead of being a benefit, is always an injury to the remaining members. Dissolve the Union! Who has the right to do this? No State or individual has either the moral or constitutional right to dissolve or secede from the Union for any cause. A man may attempt revolution, and may commit treason against his country; but whether he may finally receive the reward of the traitor or the patriot, may depend on the final issue of the contest. The union of these States *cannot* be dissolved but by the consent of the people to a change in their Government, in the manner provided by the constitution of the country. States or individuals will never be permitted to do it; for if there exists in the American bosom one principle of patriotism more strong than another, it is that of attachment to the Union. This principle is so deeply seated in the hearts of our countrymen, that it cannot be shaken; and the Union must and will be preserved. All threats of dissolution, as I before said, are vain and illusory; they never can, they never will, be carried into execution.

This question, like most others agitated here, has not been suffered to pass by, without an allusion to party. We have been told that such is the influence of party discipline, that in the very eye of the gentleman rests one who, by raising his finger, could muster the party to a vote. Insinuations of this kind I, for one, cast behind me; the country will judge of their correctness. It is said, however, that the President, in his annual message, recommended a measure of this kind; and it is strange that his party should now falter. I follow party where the constitution and principle lead; and when men attempt to take their place, I halt. I support the administration party, because I am a firm believer in the great principles which govern them; and I endeavor to sustain them in all minor and formal points. For the sake of those principles, I sustain the President to the best of my abilities, because I believe that he has done more for the liberty of his country, and to place his administration upon the basis of the Government and public opinion, than any man living. That he may sometimes err, is human. That his most ardent friends may sometimes think him in error, when, in truth, he is not, is natural to expect. But that this honest difference of opinion should divide them, his opposers need not hope for; that he has recommended that postmasters and officers of this Government should arrest the passage through the mail of publications of any kind, as contemplated in this bill, I do not understand; but he suggests the propriety of passing such a law as would prohibit, under severe penalties, the circulation in the southern States through the mail of incendiary publications intended to instigate the slaves to insurrection—not barely a publication touching the subject of slavery. With great respect to this recommendation, or rather suggestion, I cannot give it my support. To punish injuries done to individuals, belongs exclusively to the States; they have ample security in their own power to punish any person in their jurisdiction who may read or distribute any publication which their laws may prohibit, but they cannot reach the post office or the postmaster for its delivery as directed, because such act is under a paramount authority. I, for one, doubt, strongly doubt, the power of Congress to provide by law for the punishment of any act, as a criminal offence, but those especially enumerated in the constitution; and I can find but few such grants, such as counterfeiting the securities and current coin of the United States, the punishment of piracies and felonies committed on the high seas, offences against the law of nations, and treason against the United States. It will readily be perceived that I confine my doubts to punishments to be inflicted in consequence of judgments by the civil tribunals of the country, rendered in courts of justice. Whether, in my course here or elsewhere, on this or any other measure, I have no guide but party, I cannot suffer the Senator from South Carolina to be my sole judge. There is another and higher tribunal before which I must and am willing to answer; and to whose just judgment I will most cheerfully submit for my opposition to this bill.

On motion of Mr. PORTER,

The Senate adjourned.

THURSDAY, APRIL 14.

LAND BILL.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands among the several States, and for granting lands to certain States, was taken up as the special order.

Mr. BENTON observed that this bill contained the same donation for the State of Missouri as was contained in a bill introduced by himself, and he would barely observe that the Legislature of Missouri had passed resolutions asking for this donation of 50,000 acres, while they remonstrated against the passage of this distribution land bill. The representatives of Missouri, in accordance with the wishes of their Legislature, preferred that this donation should be made in a separate bill; and he therefore moved that it be stricken out from the bill before them. He presumed there could be no objection to this motion on the part of the Senate.

Mr. WALKER said that, as the bill now stood, he should move, as an amendment to the motion of the gentleman from Missouri, to strike out the donation of a like quantity of land to the State of Mississippi. He thought nothing could be more clear than that it was the duty of Congress to put all the new States on an equal footing as to grants of land, and that Mississippi, therefore, ought to have the same quantity given to her that had been given to other new States. It was perfectly certain, also, that if this grant to Mississippi should be retained in the bill, she would get nothing; for even if the bill passed, it was known, from the avowed sentiments of the Executive, that it must receive his veto. As a representative of Mississippi, therefore, he would not perform his duty to his State if he stood by and silently permitted this grant to pass in a bill which never could become a law, and, in consequence of which, Mississippi would receive no grant.

Mr. PORTER took a different view of this matter, in regard to his State, from the Senator from Mississippi, [MR. WALKER.] He voted for including the State of Louisiana in the bill introduced by that Senator, and he should also vote for this. It was doing an act of justice to Louisiana. He did not feel authorized to modify his views or square his acts to meet the views of the President. He did not feel authorized to say the President would not take a different view of the measure from what he had taken formerly. He knew he did not change his views very often. But, whatever might be his views, he (Mr. P.) considered it his duty to vote for all grants to Louisiana, let them come in what shape they might, and he was sorry the Senator from Mississippi did not concur with him. But the Senators from Mississippi and Missouri understood the interts of their States better than he did, and he would vote for their amendments.

Mr. CLAY observed that the provisions in the bill by which grants of lands were made to the new States were made on the principles of equalisation and compromise. In that view the grants were made in Louisiana, Missouri, and all the new States except Ohio, so as to bring their donations up to the quantity that had been received by the last-mentioned State. So far as his vote went, he should vote to expunge from the bill the grant to any new State, whose two Senators concurred in desiring it to be so expunged. He would here observe, that any reference to what the President would do, with regard to a measure pending before the House, was not altogether parliamentary; and if such a reference were made in the English Parliament, as to the opinions of the King, it would be immediately decided to be out of order. And here, too, the same question of order would have been raised if they had not gone further than they ever had in England as to executive responsibility. The proper rule was, that each department of the Government should perform its duty without considering the opinions or wishes of the other departments.

The Senator from Mississippi, however, had no warrant for his opinions as to what the President would do with regard to this bill, unless he got it from late conversations with him. In the message of 1832, the President laid it down, that Congress had the power over the public lands, as broad as any one had; and in pursuance of what was supposed his recommendations, the bill to distribute the proceeds of the public lands was framed. But things had materially altered since the President's veto. A large portion of the public domain had been sold, and a large surplus had accumulated in the treasury, which it was highly necessary to dispose of. These circumstances would justify the President in going back to his first opinions. The most the Senator from Mississippi could say was, that the President had given two opinions as to the public lands: one in the message of 1832, the other in the veto message; but which of the two, under the present state of things, he will adhere to, he could not know, unless from conversations with him. In the veto message, the President laid it down that they had no right to grant money or lands to the new States, and he referred to the act of cession to show that the public domain must be held for the benefit of the old States as well as the new. This veto message, he would inform the Senator from Mississippi, would meet him at every turn, and would apply with equal force against a donation to a new State in a separate bill, as against the general bill under consideration.

[Here Mr. CLAY quoted at length from the message of the President, giving his reasons for refusing his assent to the land bill.]

The gentleman would here find, Mr. C. said, that the reasoning of the President was against giving lands or money to the new States beyond what was given to the old; and unless the Senator from Mississippi knew from conversations with the President what he would do, they were left, by his public acts, to infer that he would veto one bill as much as the other. The only way for them to act was to legislate according to their own ideas of propriety, without waiting to inquire what the President would do.

Mr. **WALKER** said it was under a sense of the obligation he owed, as a Senator, to the people of the State he in part represented, that he had offered his amendment. His object was, that the State of Mississippi should be placed on the same footing with other States; and felt anxious that she should receive that justice which was due to her by a bill having that grant, and no other principle, in it. He did not approve of the principle of making grants to some of the new States, and refusing them to others. It was his duty, as a representative, to pursue that course most likely to effect the object of the grant to Mississippi, and he should have been recreant to his duty to have put it in a bill that had received the veto of the President.

In reply to the Senator from Kentucky, [Mr. CLAY,] he believed that Senator referred more frequently to the acts of the President than he had; and not only referred to what he had done, but what he would do, and even to what he had not done. For on that auspicious day when he, Mr. W., took his seat in that body—the birthday of the Father of his Country—he [Mr. C.] had said the President had given an apology to France. If the flag of our country had been stained with that word apology, the youngest republican in it would have scaled the walls of the Capitol, and cut it out. The President had given no apology. The Senator from Kentucky had said that they might infer that the President would not veto his bill again. He, Mr. W., had the most exalted opinion of that venerable man, (the President,) notwithstanding the denunciations against him in this hall, which had been converted into a debating club.

The policy of the President, in regard to the public lands, was to reduce the price of them so as to bring them within the reach and the ability of the settlers to buy them. Whereas the policy of his opponents was to increase the price of them; and the Senator from Ohio [Mr. EWING] had said he intended to bring in a bill fixing the price at $30 per acre.

[Mr. EWING explained that the bill he intended to introduce was to prevent frauds by combinations, and to raise the price of that part of the lands which was of the best quality.]

Mr. WALKER proceeded. Then, should he stand by and see a bill of that description pass, and which ought to have its title changed to a bill for keeping up the price of lands instead of the title it bore? He could not tell what might be the effect of the policy of raising the price of the public lands; but, like the tariff act, it would endanger the safety of the Union; it would, in all probability, be met with open violence in some of the new States.

If he (Mr. W.) had fallen into an error in alluding to what the President would do, he had an illustrious example before him. For if it was out of order for him to do so in regard to this bill, it was out of order for the Senator from Kentucky to do so in relation to the other. Mr. W. went into an explanation of some length, to show the justice of the claim of Mississippi and other new States, and wherein the bill he introduced differed in principle from this bill, and that it was not so liable to be vetoed by the President as this, and that he had signed bills making appropriations of land when unconnected with a general bill such as this was.

Mr. **BLACK** said that he would prefer taking the grant to Mississippi in a distinct bill, though he could not vote against her having the grant in the bill before them. If he concurred with the principles of the veto message, he should not hesitate to join his colleague in voting for his amendment; but, under present circumstances, he must vote for the grant to his State in any bill in which it was made. When this distribution bill was first introduced, he took occasion to express his disapprobation of it. Circumstances, however, were much changed since that time. The public debt was paid off, and there was a large surplus revenue accumulating in the treasury. The President, in his veto message, excepted to that portion of the bill which gave to the new States the twelve per cent. fund and grants of land. Now, with respect to grants of land, Congress had not only the right, but it was their duty, as large landholders in the new States, to assist them in their internal improvements by such grants, because by this means they enhanced the value of the public domain. It was on this principle that five hundred thousand acres had been granted to Ohio for her canal, which greatly increased the amount of the sales of public lands in that State. He could point out in Mississippi improvements, which, if made, would enhance the value of the public lands there as much as had been done in Ohio. He thought the grant of the twelve and a half per cent. fund rested on the same principle.

Mr. B., in conclusion, appealed to all the members of the Senate to first take the question on the grant to Mississippi in the separate bill, as an act of justice to his State, in putting her on an equal footing, as respected grants of lands, with the other new States.

Mr. **CLAY** said, if he understood the Senator from Mississippi last up, [Mr. BLACK,] he would prefer retaining the provision for the benefit of that State. There was a division, then, between the Senators from that State, and as he (Mr. C.) should prefer retaining the provision including that State, he would vote to retain it. The Senator from Mississippi [Mr. WALKER] had said that he (Mr. C.) was equally obnoxious to the charge of referring to the veto of the President. That Senator had first brought the veto into view, and then, because he (Mr. C.) had referred to it, he had read him a lecture. It was well known to every Senator here that he (Mr. C.) had been a very silent member during the session, and as he was an old, experienced, and indeed silent member, he thought the Senator from Mississippi might have spared him the lecture. The Senator from Mississippi, it was true, had taken his seat on a very auspicious day; auspicious by its being the birthday of the man whose like we might never see again. As to whether it was rendered more auspicious by his [Mr. W's] taking his seat on the same day, he (Mr. C.) must be spared the expression of an opinion.

The Senator from Mississippi alluded to an affair which he supposed had long since gone with all the Capulets. The Senator said an apology would have been disgraceful. An apology (said Mr. C.) might or might not be disgraceful, which depended upon the circumstances that induced it. He did say, and he repeated, the letter to the Prince Polignac was a labored letter, and putting it and the letter of the Secretary of State together, they amounted to an apology. Let Senators look at them, and see if they did not amount to an expression of regret amounting to an apology. When the question of these grants came up, he would vote for them as a part of a great compromise. But if they came up separately, he would vote against them, as being without precedent or principle.

Mr. WALKER observed that, after what had been heretofore said by the Senator from Kentucky, he had listened to him with some surprise. He certainly entered that body with feelings of high personal respect for that gentleman. What had been that gentleman's course in relation to himself? He thought the gentleman had pursued a course somewhat marked towards him. He introduced a bill in conformity with the wishes of six States of the Union, so often expressed to that body; and what was the course of the Senator on that occasion? It was to rise and say, that if it was not an unusual course in that body, he would move for the immediate rejection of the bill; and, further, the gentleman strenuously opposed the sending the bill to a select committee, who would have given it a fair consideration; while he urged the sending it to the Committee on Public Lands, which it was known was hostile to it. What was the gentleman's course on the present occasion? He (Mr. W.) had moved to strike the grant for Mississippi out of the bill; because he knew, as he had explained to the Senate, that if it remained in it, Mississippi would receive no grant at all, as it was known that the President would veto the bill, even if it passed both Houses. And now to refer to the lecturing the Senator spoke of. He read no lecture to the Senator from Kentucky: it was that gentleman who first read a lecture to him. He (Mr. W.) had not made a solitary objection to the gentleman's course on that or any other subject; but the gentleman took occasion to lecture him for looking at the President's opinions, for the purpose of seeing what would be his course on this bill, and saying that he had violated the rules of order when the gentleman commenced the lecture. Considering the gentleman's age and distinguished services, notwithstanding the differences of political opinions between them, there was no gentleman for whom he had entertained a higher respect, or from whom he would receive an admonition with greater pleasure; but the admonition must be given in a spirit of kindness; when it came in a spirit of taunt and reviling, he would use the privilege which God had given to every human being, of resistance to the utmost. And what, said Mr. W., did I do? I merely followed his illustrious example. I said that, the first day that I took my seat, I heard him refer to the message of the President, and tell the American people, and the whole world—and I have seen it in print too, in the newspapers of this country, and I suppose it is in those of France—that the Chief Magistrate of my country had disgraced it, by making an apology to France. He would close his remarks by expressing his deep regret that an American Senator had made statements that would carry joy to the bosom of every Frenchman, but would cause a pang of shame and mortification in the heart of every true American. He was compelled to contest the assertion made by the Senator, that the President had made an apology to France, and he would maintain it, by reading an extract from that very message on which the French Government came to the conclusion to pay the money.

[Here Mr. W. read extracts from the message of the President, in which it is stated, in the most emphatic terms, that he never would degrade himself and his country by making an apology.]

It had been said, continued Mr. W., that an explanation was an apology. This he never had heard before; and certainly the explanation made by the President was one of which no American had cause to regret. It was only repeating what he had said from the first, and retracting nothing. The manner in which the President closed the difficulties with France would shed on the close of his administration a blaze of glory as brilliant as that which marked his path at New Orleans; and he believed that, of all the laurels he had gained, those would grow the greenest which sprung from the termination of the controversy with France.

Mr. CLAY had no doubt, as the Senator [Mr. WALKER] said, he took his seat without any personal feeling. He had no unfriendly feelings toward the Senator from Mississippi. When that Senator had more experience, he would find the expression of a difference of opinion was not considered a want of courtesy. He [Mr. W.] had expressed a strong opinion in favor of large appropriations of land to new States, and he (Mr. C.) that it was better to equalise them among all the States. There were three bills making large grants to the new States, and not one acre to the old ones; and was it a want of courtesy that he should propose a reference to a committee, well informed on the subject, to examine it in all its bearings. It would be strange if a difference of opinion should indicate a want of courtesy. After the Senator had been here for a time, he would find it not best to retain these reminiscences. He (Mr. C.) felt it his duty to oppose these partial, one-sided grants, and would still oppose them. It was true, the message of the President, as read by the Senator from Mississippi, stated he would not apologize. But he invited the Senator to look at the letter of the Secretary of State to Count Polignac, and he would find it was an apology. Not, to be sure, a degrading one, as the Senator had referred to, and he did not say whether it was to be construed as being wrong. He thought France had behaved wrong. It would have been more in accordance with her chivalrous character to have first paid the money, and then, if she felt herself wronged, to have taken measures for redress. She had seized upon this matter as a pretext to withhold the money acknowledged to be due to this Government. But while the President was holding out to the country that he would not make an apology, he (Mr. C.) felt himself placed in that unpleasant predicament in which it became necessary for him to point out the inconsistency.

Mr. HUBBARD (in the chair) here stated that the debate was irregular; the amendments of the Senators from Missouri and Mississippi being out of order until the amendments made by the committee were disposed of.

Several amendments made by the Committee on the Public Lands were then concurred in, some of them occasioning a slight discussion.

After a few remarks from Messrs. EWING and KING of Alabama, the bill was, on Mr. KING's motion, laid on the table, with an understanding that it be taken up to-morrow.

TERRITORY OF WISCONSIN.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House insisted on their amendment to the bill establishing the territorial Government of Wisconsin.

[The amendment reduces the salary of the Governor, as Governor and Superintendent of Indian Affairs.]

Mr. BUCHANAN moved that a committee of conference be appointed.

Mr. KNIGHT inquired whether it would not be the proper course to move that the Senate insist on its disagreement and ask a conference.

Mr. BUCHANAN said he preferred the motion as he had made it; and, on taking the question, it was carried by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Crittenden, Cuthbert, Ewing of Illinois, Goldsborough, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Porter, Rives, Robbins, Robinson, Ruggles, Walker, Wall, Webster, Wright—23.

NAYS—Messrs. Clay, Davis, Ewing of Ohio, Hendricks, Hill, Kent, Knight, Mangum, Morris, Naudain, Nicholas, Niles, Prentiss, Shepley, Southard, Swift, Tomlinson, White—18.

Mr. PORTER moved that the committee of conference be appointed by the Chair; and the motion having been unanimously adopted, the Chair named Messrs. BUCHANAN, WEBSTER, and SHEPLEY, to compose the committee.

On motion of Mr. KING, of Alabama, the Senate took up the bill granting a pre-emption to Arthur Bronson; and after a debate, in which the bill was supported by Messrs. RUGGLES and PORTER, and opposed by Messrs. KING of Alabama and EWING, the question on ordering it to a third reading was lost: Yeas 9, nays 19.

The Senate then adjourned.

FRIDAY, APRIL 15.

REMOVAL OF DAVID MELVILLE.

Mr. CALHOUN said that a petition had been sent to him, with a request that he would present it to the Senate, by a Mr. David Melville, late an officer of the customs at Newport, Rhode Island, complaining of his removal from office. Mr. C. said that he had no acquaintance with this individual, and why he had been selected to present the petition he was at a loss to know. He had therefore inquired into his character, and had understood that he was a highly respectable and worthy man. He had examined his petition, and he must say that Mr. Melville had made out a very strong case. He was weigher and gauger, and had been uniform and consistent in his politics as a Jeffersonian democrat. He had taken a decided part in the late war, having been principally instrumental in raising a volunteer corps which had been highly serviceable. Yet, notwithstanding all this, the purity of his character, the correctness of his deportment in his official duties, and non-interference with elections, he had been dismissed from office—and on what grounds? Because he would take no part in elections, and having a small freehold, he had disposed of it, and could no longer vote. These facts were all stated in plain and perspicuous language. Mr. C. said he knew that this might be considered a small affair; but this, he thought, was very far from diminishing its importance. It laid bare the manner in which those who administered this Government abused their trusts. Nothing was too high and nothing was too low for them. It laid bare the manner in which the conditions under which they came into office have been fulfilled. He confessed that sad impressions were made on his mind by the perusal of this petition. He could not but remember the great struggle which brought the President into power. He could not but remember that one of the principal objects they had in view was that the power and patronage of the Government should not be brought to bear on the freedom of elections. He never could forget the scene which took place when the President was inaugurated, and when he declared openly, in the presence of thousands of our citizens assembled on that occasion, the principles on which he would administer the Government. It was a short and noble address, and was received with shouts of approbation by congregated thousands; and particularly that part of the address was applauded, which declared that he would reform those abuses by which the power and patronage of the Government had been brought to bear on the freedom of elections. How that promise had been carried out, let the case of this humble individual answer.

Mr. C. referred to the reasons given for the removal of Mr. Melville, as stated in the petition, and to his correspondence with the Secretary of the Treasury on the subject. On writing to the Secretary, he received an answer, by which he only found out that the collector had exercised the legal authority vested in him. Not satisfied with that, he wrote for a copy of the report of the collector on the subject, and was answered, that the report, being confidential, could not be communicated. Sir, (said Mr. C.,) under what Government could such an act of injustice and oppression be perpetrated? Many of the friends of the administration there would hardly believe it possible such things had occurred. The individual made application to the collector for the reasons of his dismissal, and the collector told him, in a friendly, verbal reply, that no fault had been found with his official conduct, but that his case was one on which he could give no written answer. Mr. C. moved that the petition and papers be referred to the Committee on Commerce. He thought no remedy could be applied; but he wished the committee to take the matter into their consideration. He wished particularly to see the report made by the collector to the Secretary of the Treasury, on the dismissal of Mr. Melville. He had often heard it stated on that floor, that this administration was supported by the votes of freemen; but if the facts stated in this petition be true, it was easily seen how they controlled the fifty or sixty thousand office-holders who supported them.

The petition having been read,

Mr. CLAY said, if the facts stated in the memorial were true, they disclosed an instance of flagrant injustice and abuse of power; but, however flagrant it might be, he knew of no remedy. He had risen to inquire whether the Secretary of the Treasury, or the President, who absolved all responsibility in cases of removal from office, had authorized this removal. As the memorial contained some charges against those high functionaries, he would suggest to those Senators who adopted the expunging principle, whether they should receive this petition. As he did not hold to that doctrine himself, it would not be proper for him to do so; but some of them might make a question of its reception.

Mr. KING, of Alabama, said he knew nothing of the particulars set forth in the petition of this individual; they might be correct, or not. With that he had but little to do. In no case would he lend his sanction to oppression of any kind, or be willing to screen the oppressor, let him hold office high or low. He should like to know who was the Secretary of the Treasury under whom this removal took place. Would the Secretary turn to the papers, and tell him who the Secretary was, and the date of the letters?

[The SECRETARY replied, that one of the letters was signed by Mr. Woodbury, and dated March, 1835.]

Mr. KING was under the impression that this case originated some three years past. The petition was dated in 1835, but he thought the removal was made at an earlier period, and on investigation it would be found to have taken place under Mr. Secretary Ingham, who was certainly not one of the most thoroughgoing of the supporters of the administration. Be that as it might, he was under the impression that they acted in discharge of their duty by receiving memorials complaining of oppression, no matter from whom they came. He was not operated on by any thing said by the Senator from Kentucky. He thought no good could come of the reference of the petition, unless it was to investigate the conduct of the collector. The subordinate officers of the customs, the Senate was well aware, were under the control of the collectors, and must necessarily be so. The Secretary acted with respect to them solely from information received from the collector; and whether this removal was made under the present or the former Secretary, it would be found, he was confident in saying, that it was on the representation of the collector, either that the services of Mr. Melville were not wanted, or that he was removed on some other than political grounds.

Mr. GRUNDY, after some remarks in favor of the right of petition, said he had known Mr. Littlefield, the collector named in the memorial, ever since he was a mere youth, and until he knew more about this memorial than mere assertion, he would hold the opinion he had always held, that he was incapable of doing an act of injustice. He was inclined to believe it would turn out that these statements were unfounded.

Mr. NILES said that this was a wonderful case of oppression, according to the petitioner's own statement; and, from the remarks of the Senators from South Carolina and Kentucky, [Mr. CALHOUN and Mr. CLAY,] it must be regarded as an outrage of the most alarming kind, from the lawless exercise of power, by a public officer, scarcely less than the acts of rapacity and violence of the pro-consuls of Rome in the provinces of that republic.

But what is this case, which is introduced before the American Senate, under such imposing circumstances, and backed by speeches from two of the most distinguished Senators of the body? Stripped of its coloring and embellishments, of the long homily about proscription, party machinery, a system of despotism, and the like, it is nothing more than this: the petitioner was a subordinate officer of the customs, and had held his office ten years, when, a new collector having been appointed, he deemed it expedient to make some new arrangements, and removed the petitioner and appointed another person. The presumption clearly is, that this change of one officer for another was not only legal, but perfectly fair and reasonable; this change could only have been made by the concurring action of two public officers; the collector made the removal, and the new appointment, which had to be submitted, with his reasons therefor, to the Secretary, and were approved by him. The office of collector is an important one, and is generally filled by men of high character and intelligence, which affords some guarantee for the correctness of his conduct; he is responsible to the laws and to public opinion. But the decision of this officer is reviewed and approved by the Secretary of the Treasury, one of the highest public functionaries of the Government. An act, which has received the sanction of two important public officers, acting under their official responsibilities, must, he supposed, be legal and just until it is clearly shown to be otherwise.

But the petitioner says he was removed without cause, and on account of his political opinions. This statement comes from the party himself, and is the same complaint that is always heard in all similar cases, indeed in all cases of removal from office. Did you ever hear of a public officer who was removed, who did not tell the same story? who did not declare that it was without cause, and an act of high-handed persecution and oppression? He had no knowledge of this case; he judged of it only from what appeared on the face of the memorial; that was sufficient to satisfy him as to its true character. It was evidently a political concern, and intended for political purposes. It appeared to him that the bare reading of this petition must produce this conviction on every impartial mind. The petitioner does not come here like an injured man, whose only object is to seek redress for his own wrongs. If such had been the case, he would have told a plain and simple story, a mere narration of the facts, unaccompanied by such additions and embellishments as this petition contains about terrible proscriptions, a frightful system of despotism, party machinery, and party dictation. No man, he thought, could mistake the true character of this memorial, and the object for which it was sent here.

But, supposing this man had been removed from a subordinate ministerial office, after holding it ten years, without cause, so far as respects any default or misconduct on his part, are we to be told that this is an act of oppression, a flagrant outrage? Was there any violation of law in this act; any invasion of the personal liberty or rights of this man? If not, where was the injustice, where the outrage, which the Senator from Kentucky [Mr. CLAY] represents as so palpable, that the President, Secretary, or officer, whoever he may be, who has been guilty of such abuse of official trust, ought to be impeached? Sir, (said Mr. N.,) there would doubtless be as strong grounds for impeaching the President as those for which he was impeached two years ago. The removal of this petitioner was a lawful act, and so was that of the removal of one Secretary and the appointment of another. The only question there could be, in either case, was as to the propriety and expediency of the act, and of this the officer possessing the power of removal and appointment was the rightful and proper judge.

Had this man a private interest in this office, a vested right, of which he could not be dispossessed without injustice and oppression? This seems to be the doctrine for which the Senators contend. Sir, (said Mr. N.,) I deny this doctrine, as unsound in principle and dangerous in practice; I protest against it as anti-republican, and even monarchical; it does not belong to our system; it is not consistent with the genius of our institutions.

The Senator from South Carolina says he does not know this petitioner, and is at a loss why he should have selected him as the organ of presenting his petition to the Senate. He (Mr. N.) thought he could relieve the gentleman from his doubt on this point; he knew of two reasons, and very strong ones, why the Senator may have been selected to present this petition. In an elaborate report on executive patronage, that gentleman denied to the President the constitutional power of removal from office, and, by the same reasoning, I conclude the principle should be followed out and applied to subordinate executive officers possessing a portion of the appointing power. The Senator has also maintained, I believe, in the same report, the principle that offices ought to be as stable and permanent as a freehold. These principles establish the perpetuity of office as a vested right in the incumbent, and doubtless induced the petitioner to select the honorable Senator to present his grievance to the Senate.

Sir, (said Mr. N.,) what is a freehold? Is it not an indefeasible right secured by the law, which cannot be taken from the possessor without violation of law? According to the principles of the gentleman, offices ought to become vested in the holders, as private rights, and become private property; and we may expect that they would become the subjects of traffic and bargain and sale. Can any principle be more hostile to our free institutions than this? It destroys all accountability in public officers, and renders them independent and irresponsible. It is in direct conflict with the great elementary principle on which our institutions rest—that of popular power. It is essentially a monarchical principle; for what is monarchy but independent, irresponsible power, not derived from or responsible to the people?

Perpetuity of office would not only destroy all official accountability, but would impair the energy of the representative principle, which would become only a matter of form, and not substance; for it is not the mode in which offices are filled, but the tenure of them, and the control which the appointing power has over them, which secures their accountability. The principle which secures the accountability of official trusts must be an active and an efficient principle; one which is brought into action, which is applied in practice, the force of which is known and felt from time to time: it must not be a merely nominal or dormant principle.

Sir, (said Mr. N.,) the principle of change, rotation, or removal, call it what you please, is one of the great conservative principles of this Government. It is a principle closely associated with that of representation and the delegation of power; it is a principle which abides with the people, which has its source in the popular will. With the people this is an active and efficient principle, one which they never fail to apply on all needful occasions. They applied it to the second President of the United States; that was a removal, or a refusal to reappoint the incumbent, notwithstanding a precedent had been established of retaining him for a second term. That distinguished man, and all his friends, believed that this power was exercised capriciously and unjustly; that they were removed from the public councils without cause, without any default of theirs, and from the influence of party excitement. These sentiments they retained to the day of their deaths; but they were not the sentiments of the country. In the congressional districts the people frequently have recourse to this principle, and change without cause, or for such causes as they see fit, their public agents; this is also done in the States, in all popular appointments. The people, periodically and frequently, change their representatives and others, offices dependant immediately on them, and give efficacy to the principle of rotation in office. In almost every case, those who are excluded by this salutary principle complain of injustice, proscription, and persecution. But the people do not think so; they have only exercised a right which belonged to them, and the public interest is generally promoted by its exercise.

Sir, (said Mr. N.,) I protest against the principle of perpetuity of office, the principle of a freehold tenure; it converts all offices into private property and private rights. This principle belongs to a monarchy, and not to a republic; and should it once become established, my word for it, we should have memorials enough presented to Congress, setting forth acts of oppression; not of one officer oppressing another, but of public officers oppressing the people, of gross abuses of public trusts, lawless acts of illegal exercise of power, of injustice, extortion, and oppression. Such would be the consequences of irresponsible power; of removing that accountability which can alone be secured by the limited tenure of offices, and the efficient operation of that salutary principle of change and rotation. If you once admit the principle of a private right in offices, you destroy the principle of rotation; for a private right, if it exists, cannot be divested without cause. It is the freehold principle; for a freehold can be divested for sufficient cause. There may be a defect in the title, or a better one may be shown to exist in another person, and the possessor may thus be ousted. But a freehold is an indefeasible right in the possessor, unless it should be defective: so it would be with the office holder; he would have vested in him a private right, which you could not take from him without proof of some defect in it, without it shall be shown that he has forfeited his right by his misconduct, or in some way lost it. I deny, (said Mr. N.,) the whole doctrine; I deny that any incumbent has any private interest in an office, farther than is secured to him by the legal tenure of it. He holds it under the law, and he has no other rights than what the law expressly secures to him. If it is for a term of years; when the term expires, he cannot complain of injustice if he is not reappointed; if during the pleasure of the appointing power, he cannot complain if he is removed and another person appointed. The only question is as to the public interest; if the office is not well filled, if the public suffer, if the revenue sustains a loss, then there may be grounds of complaint.

The Senator from South Carolina has referred to the inaugural message, and says the assembled multitude responded to its sentiments, and himself among the rest. What were the principles of that message on this point? Did not the President declare and assert in that message the principle of reform? that a searching operation was called for, into the conduct of the public agents? and did not the public sentiment respond to this? Sir, a reform was demanded by the highest considerations, and, so far as it was carried out, has been highly beneficial to the public service.

Mr. **KNIGHT** knew nothing about the facts of the case, but rose to give his testimony in favor of the character of the memorialist, whom we knew to be a man of good character.

Mr. **HUBBARD** remarked that he had no knowledge of the petitioner. He lived remote from him. He was equally ignorant of the transaction to which the memorial refers. He knew not the present collector, nor the present gauger and weigher. Nor did he know the reasons which had induced the collector to remove from office the memorialist, and to give that office to another. One fact is certain, that no complaint is set forth in the memorial against the collector for having appointed an unfit and incompetent officer. It is not alleged, it is not pretended, that the present incumbent is unworthy of confidence. What has the collector done? He has done precisely that which he was authorized to do. He came into the office of collector; and, for reasons which he deemed satisfactory, he has seen fit to remove the memorialist from the office of gauger and weigher, and has appointed to the same office the present incumbent. The collector, then, has done no more than what he has had entire and full authority and power to do. It was the right of the collector, it was within his power, to do precisely what has been done. Mr. H. stated that he had reason to believe that there was an object beyond the memorial itself, from the remarks of the Senator from South Carolina, and from the remarks of the Senator from Kentucky, and from the argument of the memorial itself. He could not but believe that the Secretary of the Treasury was viewed with suspicion in reference to this affair. That public officer has been of late singled out as an object of attack, as an object of abuse, here and elsewhere.

How often has it been said by honorable Senators that the official reports of that officer are entitled to no credit—are wholly unworthy of confidence—and yet hardly a day passes without some gentlemen, who are so free and so severe in their strictures upon the conduct of this officer, presenting resolutions to the Senate calling upon him for official information. The Secretary of the Treasury seems at this moment to be not only distrusted, but, in his judgment, most unmeritedly, most unjustly, abused. Why is this so? Why is the Secretary of the Treasury thus singled out and thus attacked? He had long been well acquainted with that public officer; he and the Secretary were natives of the same State, educated at the same institution, members of the same profession, and for many years he had been on terms of great personal intimacy with that gentleman; and he felt a pride and pleasure in the fact that that gentleman was his friend. From these considerations, Mr. H. remarked that he considered himself called upon to say that that officer would at no time shrink from any investigation into his official conduct. There is not to be found a more faithful, a more industrious, a more intelligent public servant, connected with the administration of our Government. In saying thus much, he believed that he said no more than truth and justice would warrant. He hoped the memorial would go to the Committee of Commerce, or to some other committee who would do justice to those who have been thus arraigned before the Senate—who would, by their report, effectually put down this fault-finding disposition, or would put down those who are so constantly held out before the Senate as unworthy of confidence. Let the investigation be made; let the examination be prosecuted with every possible degree of severity. He, for one, had no fears for the result. The Secretary of the Treasury has too much integrity of character to be lessened in public opinion by any such insinuations, or by any attacks whatsoever which may be made here or elsewhere upon his public official conduct.

Mr. KNIGHT said that, from some observations he had heard, it might be inferred that the Secretary of the Treasury was to blame. He believed the Secretary knew nothing about the underwork—the machinery by which the removal was effected.

Mr. GOLDSBOROUGH said that, as there seemed to be some doubt whether the Senate was the proper body to go on with the examination into this matter, and as it was probable a similar memorial had been presented to the other House, which would seem to be the proper place for investigation, he would move for the present to lay the memorial on the table.

Mr. CALHOUN said, if the petition should be referred, the committee would have all the facts before them. If the Secretary did not know of this underwork, the case presented a state of things which, to his mind, made it little better. Did he understand the Senator from New Hampshire to hold that, because a man had lost his freehold, he should be turned out of office? Was there any Senator here who would subscribe to such a doctrine? Where a man had conducted himself properly, and was well qualified to discharge the duties of his office, that he should be turned out of it for no other reason than because he had lost his freehold qualification to vote? The Senator from Tennessee thought this representation of the memorialist not correct. The facts set out seemed to him to be a plain, unvarnished narration of his wrongs; and it seemed Mr. Melville was reluctantly turned out, as he was acknowledged to be a good officer. It might appear to some Senators that it was so small a case that no one would think it worth while to notice it. He did not think so. The principles involved in it gave it great importance. The Senator from Connecticut [Mr. NILES] had said that he (Mr. C.) had given an opinion that public offices should be perpetual. If the Senator had stated so in a newspaper at Hartford, he would not have noticed it; but stating it, as he did, in his place, he felt bound to say not one word of it was true.

Mr. HUBBARD said that, when he first addressed the Senate, he stated as his suspicion that it was among the objects contemplated to reach the Secretary of the Treasury. In this supposition, it seemed he was not mistaken; for, from what has just fallen from the Senator from South Carolina, there can be no doubt that that gentleman conceives that the Secretary may be implicated. The Senator has stated the ground of his opinion, that the Secretary must necessarily have been made acquainted with all the facts and circumstances connected with the removal of the memorialist; and that, of consequence, if the collector has committed an error or a fault, that blame might attach to the Secretary. He stated, when up before, the power of the collector over this subject, and that in this instance he had not transcended the power confided to him, and that he (Mr. HUBBARD) could not believe that, under any circumstances, there would be good ground of complaint against the Secretary of the Treasury. He hoped that the memorial would be referred to the Committee of Commerce, or to some other committee; and he trusted that, whoever should have charge of the subject, all proper inquiries would be made into the official conduct of the Secretary of the Treasury—an officer in whose fidelity he had the most unlimited confidence. He could not believe that that officer would fail on any occasion to do his whole duty; that, in the execution of the trust confided to him, he could not suppose that he would knowingly do any wrong for any purpose whatever. And, on stating his opinion of, and his confidence in, the Secretary of the Treasury, he was well assured that the time was when the honorable Senator from South Carolina entertained as favorable an opinion of, and as much confidence in, that officer, as he himself now did. How it has happened that so great a revolution in the sentiments and feelings of the Senator has been wrought towards that officer, he might be able to tell, but it was wholly unknown to him, and, he believed, to the Secretary of the Treasury.

Mr. CALHOUN made no accusation against the Secretary. He had said that it was the duty of the Secretary to look into all the facts of the case; and if the collector had turned out Mr. Melville only because he had no freehold, and could take no part in elections, to apply the proper remedy. This the Senator from New Hampshire could not deny.

[Mr. HUBBARD said, certainly not.]

Mr. CALHOUN continued. But the gentleman said that the collector had power to remove the officer, without giving any reasons for it. Against this doctrine he protested. All these high offices were held as trusts for the benefit of the people, and not as the property of the individual or his party. The officer having appointments to make was bound to appoint men capable and worthy, and to sustain them if they did their duty faithfully, and he had no right to turn them out to put in men who would serve the party. If the office was the property of the collector, and not held as a trust, he admitted that he would have a right to turn out and put in whom he pleased. He said nothing against the Secretary, but he thought, from his correspondence with Mr. Melville, he had a knowledge of all the facts, and it was his duty to inquire further into them, and if the collector had done wrong, to apply the remedy. This was all he had said, for it might turn out that the collector gave good reasons for the removal.

Mr. CLAY thought the Senator from New Hampshire [Mr. HUBBARD] had displayed more zeal then discretion. He (Mr. C.) had made a remark that, however flagrant the outrage might be, he did not suppose there was any remedy. He did not intend by it to implicate the Secretary of the Treasury, for whom he had a favorable regard, and took pleasure in stating that on several occasions he had transacted business in his office, and found him prompt and accommodating in the discharge of his duties. But he thought the Senator had, nevertheless, travelled out of the way, when he pronounced the Secretary innocent, before he had had his trial.

Mr. **HUBBARD** remarked that the Senator from Kentucky had said that he had manifested rather more zeal then discretion in his defence of the Secretary of the Treasury; and in support of his declaration the Senator from Kentucky states that he (Mr. H.) had pronounced the Secretary of the Treasury innocent even before that officer had been put upon his trial. He had not pronounced that officer innocent of any charge which might be preferred against him. All that he stated was, and that he now repeated, that he knew that officer well, and from his knowledge of his general integrity, faithfulness and intelligence, he hazarded nothing in saying that that officer would never shrink from any and every investigation into his public official conduct which may be set on foot by authority here or elsewhere; and such was his confidence in the purity of that man, a confidence which he had reason to believe was not misplaced, he had no fears for himself as to the result of any and of all such investigations. This he stated, and all this he most conscientiously believed. And he would only say, in conclusion, that the Secretary had been often assailed on this floor by some of the most distinguished Senators of this body. He had heard those attacks with regret and sorrow, not that he for a moment could believe that that officer was obnoxious to the charges which had been so often made, but his regret proceeded from the circumstance that the Secretary of the Treasury was not as well known to all his accusers as he was to himself. Mr. H. said that, in his judgment, in his full belief, examine when and how it shall be the pleasure of the Senate to do, into the official conduct of the Secretary of the Treasury, that officer will never suffer by any such examination.

Mr. **NILES** said the Senator from South Carolina denied that he advanced or sustained the principle he (Mr. N.) had referred to, that offices should be as stable and permanent as a freehold. It might be that he (Mr. N.) was mistaken in saying that it was contained in the report of the Senator; but he believed it was in his speech, or the report; he thought he could not be mistaken that the Senator had asserted that principle. He now appealed to the Senator to say whether it was true that he had advocated such a principle either in his report or speech. And what did the Senator now contend for? Was he not now maintaining, to a great extent, the same principle? How was this petitioner injured? In what did the outrage consist, of which the gentleman had spoken, except in violation of the rights of the petitioner to hold on to his office? The entire ground of the complaint rested on the principle that the petitioner had a vested interest in the office. It was not even pretended that the public interest had suffered.

Mr. **WALL** said that he had no intention of entering into any debate on this subject; but one remark which had fallen from the honorable Senator from Kentucky demanded some notice. He thought that the honorable gentleman need not entertain any fears that any action of the Senate in respect to this memorial would require the process of expunging to correct it; and he must take the liberty to remind him that the expunging process did not originate in this body, but received its impulse from the people.

The petitioner complains of a grievance which he has sustained. He has a right to present that grievance to this body; and Mr. W. said that he held the right of petition included the right of reception; and this petition steered clear of the difficulty which had so much embarrassed the Senator from South Carolina on a former occasion. Here the petitioner complained of a grievance which had affected himself individually, although it is one which many others in all parts of the country likewise suffer; and what is it? Why, sir, it is nothing more nor less than the operation of the great republican principle of "rotation in office." The petitioner, after having held an office for upwards of ten years, was displaced to make room for another more acceptable to the people, and equally or better qualified to discharge its duties. To be sure it was always considered a great grievance by the losing party; my political friends suffered under its "scorching operation" recently in New Jersey and in the city of New York, and are now feeling it, in all its vigor, in the State of Pennsylvania, and also in other States. But it is a complaint which does not excite much general sympathy; it is a grievance which is looked upon as one resulting necessarily from the operation of our system of Government. The petitioner does not complain that the public has sustained any injury by his removal—that a deserving and capable officer had been removed to make room for an unfit and incapable one; he does not complain that his right, as an independent freeman, to vote as he pleased, has been interfered with; for, by his own showing, he was not qualified to vote, nor was any attempt made to bribe him by bestowing on him a freehold, as a qualification to vote. What is his grievance? Mr. W. said, as he understood it, some ten years ago, the petitioner, being so indifferent to the highest and most inestimable right of a freeman, a right to participate in the selection of those who administer the laws, as not even to make himself qualified to vote in the place where he lived, nevertheless condescended to accept of an office under a Government which he valued so little as to neglect to obtain the right to participate in the choice of its officers; and what was that office? Was it for life, or during good behaviour? No. It was for no definite term, but during the pleasure of the appointing power. He was suffered to hold it for ten years; till near the expiring of the third constitutional term of those who appointed him; and he now complains that he was turned out and another put in his place. He complains that he is not suffered to enjoy it contrary to its tenure; to convert it into a life estate. He could not complain that the freedom of election was interfered with in his person, for he was no voter, and he does not allege that any attempt was made to bribe him to purchase a freehold. The only freehold that he sought was to make his office such; it is a mere personal grievance, in which the public have sustained no injury.

Mr. W. said he was perfectly willing that this matter should be inquired into. It was a very common grievance that men could not hold offices, when they got them, as long as they pleased; and there was another equally common, that men could not get the offices which they wanted. He was willing that the petition should take the direction which the honorable Senator from South Carolina was desirous to give to it. Let the inquiry be made, and if any remedy was called for by the case, and within the competency of this body, let it be applied. He, however, felt impressed with the belief that any inquiry would result in establishing the naked fact, that the petitioner had held an office, the tenure of which was at the pleasure of the appointing power, for ten years, wished to hold it for ten years longer, or to convert it into an office for life, was turned out to make room for a citizen equally or better qualified to discharge the duties, and no one had any reason to complain of the change but himself.

Mr. CRITTENDEN was an entire stranger to the parties, and had never heard of any of their controversies. It would afford him a great deal of satisfaction to know that the petitioner was mistaken, and was conscious that it was with no desire to throw guilt on any party that induced him to favor a reference of the memorial to a committee. It was agreed, he believed, on all hands, that it was a grievous case, if true. The Senator from New Jersey [Mr. WALL] said he could smile at a petitioner who brought in a case of mere rotation of office. But this showed a case of tyrannical and oppressive exercise of arbitrary power. That Senator had furthermore said that this was a case in which no complaint of a public grievance was involved. Had the public no interest, he would ask, in the abuse of its laws, in their being perverted to the purposes of oppression from sinister motives? When any officer, high or low, dared to pervert his office to sinister purposes, he could have no patience to endure it. If facts were brought to light to sustain the charge in this petition, he could not believe the President of the United States would permit these petty tyrants longer to exercise this arbitrary abuse of power. And, if he should not turn this collector out, he would be disposed to provide a remedy by law. He hoped the memorial would go to a committee, and that the Senate would show its contravention of a principle so odious in its character.

The petition and papers were then referred to the Committee on Commerce.

LAND BILL.

On motion of Mr. KING, of Alabama, the Senate proceeded to consider the bill to provide for the distribution of the proceeds of the public lands, &c.; when

Mr. BENTON rose to redeem his promise, and to show that this bill was antagonistical to all the bills for the defence of the country, and that it could not be adopted without frustrating the objects contemplated by those bills. He might take a stronger position, and assume that this distribution scheme could not be adopted without depriving the Treasury, before the five years were out, of the money wanted for the current and ordinary support of the Government, and laying Congress under the necessity of borrowing money, or raising the tariff of duties for these current and ordinary expenses. But he would not go into that view of the case; the other was sufficient for his purpose; and he should look to the Finance Committee, to the members of the committee individually, as well as to the committee itself, to present all the views which the operation of this scheme upon the Treasury would suggest, and especially to show how far the whole proceeds of the sales of the public lands—for the word nett, as used in the bill, was a deception and a fallacy—how far the proceeds of these sales could be abstracted from the annual revenue, and the whole expenses of the land system besides—for such was the effect of the bill, notwithstanding the interpolation of the word nett--the whole expenses of the land system thrown upon the custom-house revenue without leaving the Treasury destitute of the means of meeting the ordinary and current expenses of Government. That committee, or some member of it, charged as they were with watching over the money concerns of the country, would doubtless attend to this branch of the subject, while he (Mr. B.) would find his own object accomplished by showing that the defences of the country required the application of all this money which the distribution bill proposed to divide.

It must be premised, said Mr. B., that the Senate, as far back as the month of January, on my motion, and after ample discussion, adopted two resolves, one declaring that provision ought to be made for the defence of the country, and the other calling on the President for information as to the amount which a general system of permanent defence would require. The first resolve was in these words:

"*Resolved*, That so much of the revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country."

The second in these:

"*Resolved*, That the President be requested to cause the Senate to be informed—

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

"2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field pieces) for their militia, and with side-arms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

"4. The probable amount that would be necessary to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

The answer to this call (continued Mr. B.) has been received; and it is now my purpose to show, from this authentic and official data, that the defence of the country will require all the surplus money which can be found in the treasury for five years to come, and will leave no such sum as that contemplated by the distribution bill to encumber our vaults or to tempt the cupidity of distributees. The answer of the President covers the reports of the Secretaries of War and Navy; and these cover the more detailed reports of the navy board and of the heads of bureaus charged with the superintendence of the different branches of the service. The whole constitute a body of information rich with facts, luminous with reasons, and animated by patriotism, which claims the attention of every considerate citizen as well as of every legislator, and which cannot fail to have a decided influence upon the destiny of the country, and to mark an era in the annals of its history. I begin with that branch of the defence which seems to stand foremost in our system of national defence, and which, among other merits, possesses that of having won its own way from a point of low depression to a state of eminent public favor—the navy. My plan, and the very nature of the exposition which I propose to make, forbids copious details, and confines me to results and aggregates; but Senators will find in the document which has been printed, and from which I quote, the particulars of every statement, and the facts and reasons by which it is supported.

In the naval arm of defence the report of the navy board, signed by the president, Commodore Rodgers, states the sum of $17,760,000 to be necessary for building vessels; the sum of $1,800,000 to supply the ordnance, arms, and munitions of war, which will be wanted; the sum of $750,000 annually for five years, and two thirds of that sum for several years afterwards, for navy yards; and the sum of $950,000 annually for the repairs and wear and tear of vessels.

The annual appropriations for these items, including the support of the navy and of the marine corps, is stated at $7,000,000 per annum for a period of about fifteen years; but with a distinct declaration that so remote a period is only named upon the supposition that the Treasury cannot afford larger annual appropriations for this branch of the service; and that much larger sums can be annually and beneficially used if Congress should think proper to grant them. Mr. B. deemed these statements so material that it would be proper to give the very words of the navy board, and for that purpose he would read some passages from their report. He read:

"To determine the annual amount which it may be necessary to appropriate to prepare the vessels and reserve frames and other materials which have been proposed, some time must be assumed within which they shall be prepared. Believing that reference to the ability of the Treasury to meet the probable demands upon it, for all the purposes of the Government, must necessarily be considered in determining what amount may be allotted to the navy, the board have examined the reports of the Secretary of the Treasury, and respectfully propose to establish the ordinary annual appropriation for the navy, including the ordnance, at seven millions of dollars.

"The operation of such annual appropriations may be seen by the following recapitulation of the proposed heads of expenditure:

For the force in commission and its dependencies, as before stated, - -	$3,850,000
The average appropriation for navy yards,	500,000
For the repair and wear and tear of vessels,	950,000
For building vessels and purchase of materials, - - - - - -	1,300,000
Total for the navy proper, - - -	$6,600,000
For the marine corps, - - -	400,000
	$7,000,000

"By the adoption of this gross sum for the navy and its dependencies, and the other items as proposed, $1,300,000 would be annually applied to increasing the number of our vessels and the purchase of materials, and with this annual expenditure, the deficiency of $17,760,000 would not be supplied sooner than between thirteen and fourteen years, or at about the year 1850. The board consider this as the most remote period at which the proposed force ought to be ready, and are of opinion that it might be prepared much sooner, should Congress deem it necessary or advisable to make larger appropriations than have been suggested."

Mr. B. invited the particular attention of those who supported the distribution bill to these statements. The naval branch of the expenditures, including the marines, is limited to $7,000,000 for about fifteen years, under the assumption that the Treasury cannot spare a larger sum; but the board does not wish to be confined to that limit; they do not wish to postpone the completion of the naval defences until the year 1850; they wish to complete them much sooner; and aver their ability to do so if Congress will increase the appropriations. Here, then, is a direct application for larger appropriations, and a direct averment that they can be beneficially used. Let these increased appropriations, then, be granted before any more distress is indulged in at the inexhaustible surpluses in the treasury, and before any more lamentations are lavished upon the impossibility of getting rid of the surplus in any other manner except by distribution. He (Mr. B.) did not belong to the Naval Committee, and could not have any voice in directing its movements, but he had no doubt but that that committee would immediately have an interview with the officers of the navy board; would ascertain in what particulars the appropriations could be increased, and immediately propose additional sums to the full amount of the largest beneficial expenditure that could be made. By this means our naval defences, instead of being postponed for completion until the year 1850, may be completed in eight or ten years, the Treasury relieved of its burden, in an easy, natural, constitutional, beneficial, and meritorious way, and all pretext for the distribution bill scattered to the winds.

Mr. B. did not find precise data in the report for calculating the totality of the expenditures which the completion of the naval branch of defence would require. For want of a civil engineer, provision for whose appointment is strongly recommended by the board, they could give but general opinions in some cases where detailed estimates were desirable; but taking the data furnished for the annual appropriations under the four heads of increase of the navy, repairs, ordnance, and navy yards, and assuming these annual appropriations to continue till the year 1850, and the aggregate would be about $40,000,000. This (said Mr. B.) is certainly something. It will certainly cut deep into the surplus, notwithstanding the confident opinions, reiterated on this floor, that all the defences put together, both military and naval, would not require enough even to touch that mass of inexhaustible treasure! Huge, indeed, must be the mass, when forty millions taken from it will not touch its surface or affect its amount!

But Mr. B. was not certain that he could limit himself to the estimate of the naval board; he did not know but that a larger sum might be wanted for navy yards. Their estimate might be limited to those yards now authorized by law, and in his opinion others ought to be established. He spoke of Charleston, Pensacola, and the report of the military and naval board of 1821 in favor of Burwell's bay; but did not discuss the propriety of those establishments at present. A more suitable occasion should occur; and when it did, a more enlarged view than a mere military eye could take, might include considerations by a legislator which could not be taken by an engineer.

Mr. B. expressed great satisfaction at the report of the navy board, and had no doubt it would receive every consideration from the Naval Committee, to which it was referred. He would barely say, in general terms, that he was rejoiced to see the board act up to the exigency of the occasion, and boldly propose what the honor, the interest, and the growing greatness of the country requires to be granted. 15 ships of the line, 25 frigates, 25 sloops of war, 25 steamers, and 25 smaller vessels, in all 115 vessels, either in commission or ready to be launched, would constitute a force of such respectability as would give protection to our commerce in every sea, honor to our flag all over the world, and defence at home when the approach of danger required its arm. He hoped the force proposed would be granted; that the surplus revenue would be taken for that purpose, instead of distribution; and that the rank of admiral should be established.

Mr. B. took up the military branch of the national defence, and commenced with the report of Colonel Bomford, of the ordnance. Looking to the results as stated by him, and it was seen that a sum of 30,000,000 of dollars, in round numbers, would be wanted for this branch of the service, and that the annual appropriations might be double as large, and in some instances four times as large as heretofore. This sum of thirty millions embraced seven different heads: armories, arsenals, field artillery, cannon and munitions for fortifications, small arms, ammunition, and a national foundry. The amounts were thus distributed:

2 national armories, - - - -	$1,050,000
14 arsenals, - - - -	1,746,000
926 pieces of field artillery, with carriages, &c., - - - - -	576,175
Ordnance and ordnance stores and ammunition for fortifications, - -	17,840,249

Small arms and accoutrements, -	8,243,113
Ammunition for field service, - -	200,000
A national foundry, - - -	300,000
	$29,955,537

To the amounts stated under some of these heads, Mr. B. said the Secretary at War dissented, and supposed that a sum much less would be sufficient. The dissent particularly applied to the number of small arms and accoutrements, and to the quantity of ordnance and ammunition for forts. Admitting that there may be some diminution on each of these heads, Mr. B. said the balance would still be sufficient for all the purposes of the argument he was now making; the remainder would still be sufficient to show that there would be no money to be spared for distribution, and that the public defences require every surplus dollar that we have got. To a specific question addressed to Colonel Bomford, the head of the ordnance department, he answers in writing, that for the several objects of armories, arsenals, field artillery, ordnance and ammunition for fortifications, small arms and accoutrements, ammunition for field service, and a national foundry, the sum of two millions of dollars, over and above the usual appropriation of about one million, can be annually and beneficially expended until the object is accomplished. This would make three millions annually for the ordnance department, and would require ten years to expend thirty millions; now, the distribution bill has but five years to run, and no diminution in the ordnance estimates can bring them down to fifteen millions, or even near it. The ordnance will, then, require three millions a year for a greater number of years than the distribution bill is to continue; so that, during that whole time, the ordnance department must be stinted of money and languish for want of employment, if this distribution bill takes effect. The engineer department is explicit in the statement that it can beneficially expend six millions of dollars, at least, annually, upon the construction of fortifications; and the navy board is equally explicit that it can beneficially employ many millions annually in the completion of the naval defences. Here, then, is an extraordinary demand of twelve or fourteen millions per annum for the defences of the country; and it is certain that this demand would continue for a longer period than the five years which the distribution bill is proposed to run.

Mr. B. would then look into the objects of expenditure belonging to the ordnance department, and see how far it was proper to postpone and set aside these objects, for the purpose of seizing upon the contents of the treasury, and making a general distribution of them among the States.

The first object was that of national armories. At present there were two of these establishments: one at Harper's Ferry, in Virginia, the other at Springfield, Massachusetts. Both were in the Atlantic States, and both would fall to the north of a middle point between Florida and Maine. The expense of transporting arms and ordnance from these two armories to all other parts of the Union was a serious item in their expense; and besides that item, the harmony of the Union and the spirit of our Government, which required a distribution of benefits as well as of burdens, would enforce the policy of distributing the expenditures of the Government whenever it can be done without injury to the public service. The West has long petitioned for an armory; the South would be benefited by one also; and the colonel of ordnance has recommended both. He has also recommended an arsenal in each State in which there is not now one; and he has recommended depots for arms and munitions of war, in addition to the arsenals, in some of the exposed or peculiarly situated States. He has also recommended an ample fabrication of arms for the militia of the States, with field artillery, and swords and pistols. All these recommendations are of the highest moment; and the whole of them accord with that principle, and tend to give effect to that policy, which looks to an armed population for the principal defence of their country and of their liberties.

The second branch of the military defence which Mr. B. took up was that from the engineer department, embracing the fortifications. He showed that the sum of $31,560,000 was estimated by the engineer department for completing the system of fortifications planned and reported by the military and naval board, in their reports of 1821 and 1826. This was the sum, he said, which would yet be required for completing the system then planned; but the present Secretary at War, Governor Cass, in the report just made, dissents from that plan in some particulars, and recommends the organization of a board of officers further to examine into the subject of fortifications; and President Jackson, in his message covering the Secretary's report, expressly concurs with him in the particulars in which the Secretary dissents from the system heretofore recommended by the board and the engineer department.

The points of dissent, Mr. B. said, were principally to the magnitude of some of the large fortifications, and to the erection of forts at roadsteads and anchorages, which did not cover towns or inlets.

As an exemplification of his ideas, the Secretary mentions Fortress Monroe, at Old Point Comfort, which covers sixty-three acres of ground, and would require an armament of 412 pieces of cannon, and which is already built. At page twelve of his report, the Secretary gave his reasons fully and distinctly for objecting to the magnitude of this work, and which he (Mr. B.) would recommend every Senator and every citizen to read. The Secretary also objects to the magnitude of a fort projected at Newport, Rhode Island, and which might cover twenty acres, and gives his reasons at page fourteen.

Mr. B. considered his own opinion of very little moment, but thought his position might make it proper to declare it; he was therefore free to say that he concurred with the Secretary in his objections to forts of this magnitude. The plan for the works at New York were in part questioned by the Secretary, and a re-examination by a board of officers was recommended. The plan of defence from the engineer department recommends three classes of works for the security of that great emporium; first, an exterior class for the protection of the harbor; second, an interior harbor to shut up Raritan bay; third, another to prevent a hostile fleet from approaching the city through the sound. Of the first class, the Secretary says: "Its importance cannot be doubted," (p. 13 of the report,) and recommends a re-examination of the other two classes, and looks to steam batteries in aid of forts for important effects. His words are:

"The situation of New York affords a fine theatre for the operation of floating batteries; and whether a sufficient number of them would secure it from the designs of an enemy better than the full completion of the extensive system of permanent fortifications recommended, is a question deserving investigation. Such an investigation I recommend; and after all the necessary facts and considerations are presented, the Government should proceed to place this commercial metropolis of the country in a state of security."

As an illustration of his ideas on the policy of fortifying roadsteads or anchorages, to prevent an enemy from occupying them, the Secretary mentions Mount Desert island, in the State of Maine, and thus expresses himself:

"It will be perceived, also, that it is proposed to fortify Mount Desert island, on the coast of Maine, and that the expense is estimated at five hundred thousand dollars, and the number of the garrison, competent to maintain it, at one thousand men. This proposition is founded, not on the value of this harbor to us, for it possesses little, and is, in effect, unoccupied, but on account of its importance to an enemy. Were there no other secure position they could occupy in that quarter, and which could not be defended, I should think the views submitted upon this branch of the subject entitled to great weight. But there are many indentations upon this coast, affording safe anchorage, and which are either not capable of being defended, or, from their great number, would involve an enormous expense, which no sound views of the subject could justify. An enemy, therefore, cannot be deprived of the means of stationing himself upon this coast. And before this expenditure at Mount Desert island is encountered, it ought to be clearly ascertained that the difference, in its practical advantages to an enemy, between the occupation of Mount Desert island, and that of some of the other roadsteads in this quarter, incapable of defence, would be sufficiently great to warrant this measure. My present impression is, that it would not.

"And on the subject of roadsteads, generally, with a few exceptions, depending on their local positions, I am inclined to the opinion that any attempt to fortify them would be injudicious. I do not speak of harbors and inlets which are occupied by cities and towns, but of mere anchorage grounds, deriving their value from the shelter they afford. If all could be defended, and an enemy excluded from them, the advantages would justify any reasonable expenditure. But this is impracticable; and I doubt whether the circumstances in which most of them differ give such marked superiority to those we can defend over those we cannot, as to lead to any attempt to fortify them in the first instance, and to maintain garrisons in them during a war.

"I have adverted to these particular cases, in order to present my views more distinctly than I could do by mere general observations. Certainly, not from the remotest design of criticising the reports and the labors of the able professional men to whom the subject has been referred, nor of pursuing the investigation into any further detail.

"I consider the duty of the Government to afford adequate protection to the seacoast a subject of paramount obligation; and I believe we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow. I think every town, large enough to tempt the cupidity of an enemy, should be defended by works, fixed or floating, suited to its local position, and sufficiently extensive to resist such attempts as would probably be made against it. There will, of course, after laying down such a general rule, be much latitude of discretion in its application. Upon this branch of the subject, I would give to the opinion of the engineer officers great and almost controlling weight, after the proper limitations are established. These relate principally to the magnitude of the works; and, if I am correct in the views I have taken of this branch of the subject, a change in the system proposed is necessary."

Having shown the points at which he dissented from the plan of fortifications heretofore projected, the Secretary is equally explicit in showing wherein he approves of it. At page 21 he says:

"I think all the defensive works now in the process of construction should be finished, agreeably to the plans upon which they have been projected.

"All the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, and particularly where we have public naval establishments, should be defended by works proportioned to any exigency that may probably arise."

On the subject of steam batteries in aid of fortifications, the Secretary concurs with the board of 1821 and 1826, and with the engineer department, and recommends (page 23) that

"Provision should be made for the necessary experiments to test the superiority of the various plans that may be offered for the construction and use of steam batteries; I mean batteries to be employed as accessories in the defence of the harbors and inlets, and in aid of the permanent fortifications."

The Secretary urgently recommends the reorganization of a board of officers to examine the subject of the proposed fortifications generally, and the vigorous prosecution of the works resolved on, with an appropriation at once for the whole amount of the fort, to be drawn out annually as needed, and in sums fixed by law. Here are his recommendations:

"I think that when the plan of a work has been approved by Congress, and its construction authorized, the whole appropriation should be made at once, to be drawn from the treasury in annual instalments, to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business; and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works, would probably exhibit an amount far greater than is generally anticipated."

The increase of the corps of engineers, for which the Senate has twice passed a bill, is also strongly recommended by him. He says:

"The corps of engineers should be increased. The reasons for this measure have been heretofore submitted, and the proposition has been recommended by you to Congress. I will merely add, upon the present occasion, that the officers of this corps are not sufficiently numerous for the performance of the duties committed to them; and that if an augmentation does not take place, the public interest will suffer in a degree far beyond the value of any pecuniary consideration connected with this increase."

With respect to the two bills now depending for fortifications, he is explicit in recommending the speedy passage of the one which contains appropriations for completing works now in progress, and for passing the other, with the exception of seven forts, which he names, and proposes to be deferred until a further examination can be made of their sites and plans. These are his words:

"There are two bills for fortifications now pending before Congress. One before the House, amounting to $2,180,000, and intended to prosecute works already actually commenced. The estimates for this bill may therefore be considered necessary in themselves, under any view of the general subject, and not unreasonable in amount for the present year, because they include the operations of two years. The incidental expenses, however, may be safely reduced one half, as it will not be necessary to make such extensive repairs as were considered requisite when the estimates were prepared.

"The bill pending before the Senate contains appropriations for nineteen new works, and for the sum of $600,000, to be expended for steam batteries. The estimates on which this bill was founded were prepared at a time when prudence required that arrangements should be made for a different state of things from that which now exists. An examination of the general system of defence was not then expedient; and the means of protecting the most exposed points, agreeably to information previously collected, were asked of Congress. It was no time then to stop; and, instead of prosecuting established plans vigorously, to lose the period of action by surveys, and examinations, and discussions. But the opportunity is now afforded, without danger to the public interest, of applying the principles suggested to the works under consideration.

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary:

"At Penobscot bay, for the protection of Bangor, &c.; at Kennebec river; at Portland; at Portsmouth; at Salem; at New Bedford; at New London; upon Staten Island; at Soller's flats; a redoubt on Federal Point; for the Barancas; for Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

The western and northwestern frontier has received the particular attention of the Secretary, both in the present report and in one previously made, recommending an increase of the army and the addition of rifle and light infantry troops. That frontier requires great attention. It is one of extreme length, and open to the incursion of numerous tribes of Indians. It extends from the Gulf of Mexico to the Wisconsin, and to the outlet of Lake Superior. The Indians upon it, or in striking distance of it, including those intended to be removed by the Government as well as those actually removed, amount to 250,000 souls; which, at the usual proportion of men bearing arms in Indian tribes, one to five, would give about 50,000 warriors. To the incursions of all this mass of Indians the western and northwestern frontier is, so far as the federal Government is concerned, almost entirely open and defenceless. The few troops in that quarter, too few at any time, have been called to the Texas frontier, and the people for the present are left upon their own resources. Governor Cass has proposed an adequate, appropriate, and permanent defence for this extensive and important frontier. He says:

I had the honor, in a communication to the chairman of the Committee on Military Affairs of the Senate, dated February 19, 1836, a copy of which was sent to the chairman of the Committee on Military Affairs of the House of Representatives, to suggest the mode best adapted, in my opinion, to secure our frontier against the depredations of the Indians. The basis of the plan was the establishment of a road from some point upon the Upper Mississippi to Red river, passing west of Missouri and Arkansas, and the construction of posts in proper situations along it. I think the ordinary mode of construction ought not to be departed from. Stockaded forts, with log block-houses, have been found fully sufficient for all the purposes of defence against Indians. They may be built speedily, with little expense; and, when necessary, by the labor of the troops. Our Indian boundary has heretofore been a receding, not a stationary one, and much of it is yet of this character. And even where we have planted the Indians who have been removed, and guarantied their permanent occupation of the possessions assigned to them, we may find it necessary, in the redemption of the pledge we have given to protect them, to establish posts upon their exterior boundary, and thus prevent collisions between them and the ruder indigenous tribes of that region. I think, therefore, that no works of a more permanent character than these should be constructed upon our Indian frontier. A cordon established at proper distances upon such a road, with the requisite means of operation deposited in the posts, and with competent garrisons to occupy them, would probably afford greater security to the advanced settlements than any other measures in our power. The dragoons should be kept in motion along it during the open season of the year, when Indian disturbances are most to be apprehended, and their presence and facility of movement would tend powerfully to restrain the predatory disposition of the Indians; and if any sudden impulse should operate or drive them into hostilities, the means of assembling a strong force, with all necessary supplies, would be at hand. And, as circumstances permit, the posts in the Indian country, now in the rear of this proposed line of operations, should be abandoned, and the garrisons transferred to it.

Mr. B. said that the reports from which he had read, taken together, presented a complete system of preparation for the national defence; every arm and branch of defence was to be provided for; an increase of the navy, including steam ships; appropriate fortifications, including steam batteries; armories, foundries, arsenals, with ample supplies of arms and munitions of war; an increase of troops for the West and Northwest; a line of posts and a military road from the Red river to the Wisconsin, in the rear of the settlements, and mounted dragoons to scour the country; every thing was considered; all was reduced to system, and a general, adequate, and appropriate plan of national defence was presented, sufficient to absorb all the surplus revenue, and wanting nothing but the vote of Congress to carry it into effect. In this great system of national defence the whole Union was equally interested; for the country, in all that concerned its defences, was but a unit, and every section was interested in the defence of every other section, and every individual citizen was interested in the defence of the whole population. It was in vain to say that the navy was on the sea, and the fortifications on the seaboard, and that the citizens in the interior States, or in the valley of the Mississippi, had no interest in these remote defences. Such an idea was mistaken and delusive. The inhabitant of Missouri and of Indiana had a direct interest in keeping open the mouths of the rivers, defending the seaport towns, and preserving a naval force that would protect the produce of his labor in crossing the ocean, and arriving safely in foreign markets. All the forts at the mouth of the Mississippi were just as much for the benefit of the western States, as if those States were down at the mouth of that river. So of all the forts on the Gulf of Mexico. Five forts are completed in the delta of the Mississippi; two are completed on the Florida or Alabama coast; and seven or eight more are projected; all calculated to give security to western commerce in passing through the Gulf of Mexico. Much had been done for that frontier, but more remained to be done; and among the great works contemplated in that quarter were large establishments at Pensacola, Key West, or the Dry Tortugas. Large military and naval stations were contemplated at these points, and no expenditure or preparations could exceed in amount the magnitude of the interests to be protected. On the Atlantic board the commerce of the States found its way to the ocean through many outlets, from Maine to Florida; in the West, on the contrary, the whole commerce of the valley of the Mississippi, all that of the Alabama, of western Florida, and some part of Georgia, passes through a single outlet, and reaches the ocean by passing between Key West and Cuba. Here, then, is an immense commerce collected into one channel, compressed into one line, and passing, as it were, through one gate. This gives to Key West and the Dry Tortugas an importance hardly possessed by any point on the globe; for, besides commanding the commerce of the entire West, it will also command that of Mexico, of the West Indies, of the Caribbean sea, and of South America down to the middle of that continent at its most eastern projection, Cape Roque. To understand the cause of all this, (Mr. B. said,) it was necessary to look to the trade winds which, blowing across the Atlantic between the tropics, strike the South American continent at Cape Roque, follow the retreating coast of that continent up to the Caribbean sea, and to the Gulf of Mexico, creating the gulf stream as they go, and by the combined effect of a current in the air and in the water, sweeping all vessels from this side Cape Roque into its stream, carrying them round west of Cuba and bringing them out between Key West and the Havana. These two positions, then, constitute the gate through which every thing must pass that comes from the valley of the Mississippi, from Mexico, and from South America as low down as Cape Roque. As the masters of the Mississippi we should be able to predominate in the Gulf of Mexico, and, to do so, we must have great establishments at Key West and Pensacola. Such establishments are now proposed; and every citizen of the West should look upon them as the guardians of his own immediate interests, the indispensable safeguard to his own commerce, and to him the highest, most sacred, and most beneficial object to which surplus revenue could be applied. The Gulf of Mexico should be considered as the estuary of the Mississippi. A naval and military supremacy should be established in that gulf, cost what it might; for without that supremacy the commerce of the entire West would lie at the mercy of the fleets and privateers of inimical Powers.

Mr. B. returned to the immediate object of his remarks—to the object of showing that the defences of the country would absorb every surplus dollar that would ever be found in the treasury. He recapitulated the aggregates of those heads of expenditure; for the navy, about forty millions of dollars, embracing the increase of the navy, navy yards, ordnance, and repairs of vessels for a series of years; for fortifications, about thirty millions, reported by the engineer department, and which sum, after reducing the size of some of the largest class of forts, not yet commenced, would still be large enough, with the sum reported by the ordnance department, amounting to near thirty millions, to make a totality not much less than one hundred millions, and far more than sufficient to swallow up all the surpluses which will ever be found to exist in the treasury. Even after deducting much from these estimates, the remainder will still go beyond any surplus that will actually be found. Every person knows that the present year is no criterion for estimating the revenue; excess of paper issues has inflated all business and led to excess in all branches of the revenue; next year it will be down, and soon fall as much below the usual level as it now is above it. More than that; what is now called a surplus in the treasury is no surplus, but a mere accumulation for want of passing the appropriation bills. The whole of it is pledged to the bills which are piled upon our tables, and which we cannot get passed; for the opposition is strong enough to arrest the appropriations, to dam up the money in the treasury, and then call that a surplus which would now be in a course of expenditure, if the necessary appropriation bills could be passed.

The public defences will require near one hundred millions of dollars; the annual amount required for these defences alone amount to thirteen or fourteen millions. The engineer department answers explicitly that it can beneficially expend six millions of dollars annually; the ordnance that it can beneficially expend three millions; the navy that it can beneficially expend several millions; and all this for a series of years. This distribution bill has five years to run, and in that time, if the money is applied to defence instead of distribution, the great work of national defence will be so far completed as to place the United States in a condition to cause her rights and her interests, her flag and her soil, to be honored and respected by the whole world.

Mr. B. would not pursue the financial view of this subject any further. He left it to gentlemen of the Finance Committee to render that service to their country. For himself, he had only examined the effect of the bill upon the public defences, and had shown them to be completely antagonistical and wholly incompatible with each other. The public defences must be given up if the distribution scheme takes effect; there will not be money for five years to come for both objects; all this was now established upon authentic data drawn from the reports of the Navy and War Departments. This was sufficient for his argument, but not sufficient to show the whole mischief of the operation of the distribution bill. It was a tariff bill in disguise! It was a high tariff measure, and supported by all the friends of the high tariff. It was to continue in force till 1841, when the amount of revenue receivable from imports would fall far below the expenses of the Government, and when an increase of duties, and the re-establishment of the high tariff, would be the only resort for supplying the deficiency occasioned by the fatal policy of distribution; a policy which, once begun, can never be relinquished.

When Mr. Benton had concluded,

Mr. EWING, of Ohio, said a few words, on which he stated that the impression in his mind, from a perusal of the message of the President, was, that the President and the heads of the War and Navy Departments are not in favor of such extended appropriations as were now recommended.

Mr. BENTON made a brief explanation; when the bill was, for the present, laid on the table.

On motion of Mr. CRITTENDEN, it was ordered, that when the Senate adjourns, it adjourn to meet on Monday.

The Senate adjourned.

Monday, April 18.

PROFESSOR LIEBER.

Mr. CALHOUN presented a memorial of Professor Lieber, on the subject of a statistical work on the United States, in preparation by him, and praying for the aid of Congress. Mr. Calhoun spoke of the work in terms of high approbation, and moved the printing.

Mr. WEBSTER said he had the honor of an acquaintance with Professor Lieber, and believed him to be a gentleman of much experience, and an accurate and judicious writer. He had read, too, the memorial which the member from South Carolina had presented, and he thought it a very able and comprehensive plan or outline for a useful and important work on the statistics of the United States. How far Congress might be inclined to patronise such a work, he could not say, but he thought it would be useful to give publicity to this plan; and he hoped the member from South Carolina would ask for the printing of twice the usual number, so that some few copies might be distributed.

Mr. CALHOUN modified his motion so as to make it for printing double the usual number, and in this form it was agreed to.

FORTIFICATION ON LAKE CHAMPLAIN.

The resolution directing the Secretary of War to cause a survey to be made, for the purpose of ascertaining the most eligible site for a fortification on Lake Champlain, was taken up, and, after a slight discussion,

Mr. **WALKER** moved to amend it by adding a provision directing a survey to be made, for the same purpose, of the coast of Mississippi, bordering on the Gulf of Mexico.

After some remarks from Mr. **WALKER**, the question was taken on his amendment, and lost.

The resolution was then adopted.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. **DAVIS** presented a petition from sundry citizens of Fall River, Massachusetts, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. **GRUNDY** moved to lay the petition on the table.

Mr. **WHITE** said he presumed that the proper course would be to reject the prayer of the petition, as had been done in the case of the memorial of the Society of Friends; and he moved to reject it accordingly.

Mr. **GRUNDY** then moved to lay that motion on the table; which was agreed to.

TERRITORY OF WISCONSIN.

Mr. **BUCHANAN**, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill to establish the territorial Government of Wisconsin, reported that the committee had agreed to recommend to the Senate to recede from its disagreement to the amendment of the House; and,

On motion of Mr. **BUCHANAN**, the Senate receded accordingly.

EXPENSES OF COMMITTEE ON PUBLIC LANDS.

The joint resolution to authorize the payment of expenses incurred by the Committee on Public Lands, last Congress, in their investigation into the charges of fraud, was taken up as reported by the Committee on the Contingent Expenditures of the Senate.

The amendment reported by the committee having been agreed to,

Mr. **KING**, of Alabama, asked for some information as to the examination which had been given by the committee to the resolution. Were they prepared to say that the expenses were reasonable and proper for the services rendered and time employed? He would move to lay the resolution on the table for further consideration.

After a few observations from Mr. **PORTER** and Mr. **BLACK**, the resolution was, for the present, laid on the table.

RAILROAD CONTRACTS.

On motion of Mr. **GRUNDY**, the Senate took up the bill to authorize contracts for the transportation of the United States mail and property on railroads.

Mr. G. said the report of the committee embraced the principles and explained the objects upon which it was intended to support this bill. This was no party measure, nor was it gotten up for temporary purposes; and whatever of merit there might be in it, or whatever matter of recommendation it had, was in the measure itself, and in the effect it would produce upon the whole country, let the Government be in whose hands it might. He subscribed most heartily to the patriotic sentiment expressed some days since by the Senator from Kentucky, [Mr. CLAY,] "that, whatever political or party differences might be, still there were some subjects paramount to all party considerations, and upon them, at least, we should act without reference to party." And this measure (said Mr. G.) is believed to be of that description. He therefore invoked no aid from his political friends on party grounds, and he hoped those of the opposition would fairly, and without prejudice, consider the subject, and give or withhold their support according to their convictions of its propriety and utility.

By the constitution of the United States, the whole subject of post offices and post roads was confided to the general Government, and the States had no power left over it; from which he would infer that there was a strong moral as well as constitutional obligation upon this Government so to use this power as to produce the greatest benefits to the citizens of the States. How were these benefits to be produced? Only by a safe and expeditious transmission of intelligence and communication of all kinds, which might be placed in the mails throughout the country. Of the necessity of a safe transmission he need say nothing, as all would at once perceive it. Of the necessity for expedition he would remark that one of the great purposes of the mail establishment was to give general information, political and commercial, and especially of the state of the market abroad, and in our principal cities, that speculators might not avail themselves of private expresses, and thereby obtain the property of the laboring part of the community at a lower price than it was worth.

Let us now see (said Mr. G.) what is the true state of things, if the Government shall not have the use of these railroads. Six miles an hour, on a Macadamized road, (say the road from Baltimore to Wheeling,) is as great speed as has been attained by teams and coaches; and in England, where, regardless of expense, roads had been made perfectly level, ten miles an hour on them was the greatest speed. The speed of a locomotive on railroads would average fifteen miles. If, then, these railroads were not to be used for the transportation of the mail, private intelligence would arrive at a place two hundred and fifty miles distant, while the mail had only travelled one hundred miles. By this means the utility of the mail was, in a great degree, destroyed. He therefore concluded that the Government must have the benefit of these railroads in some way. Suppose (said Mr. G.) you make a contract for four years at a reasonable rate, on a particular railroad—from that moment all competition is at an end, and at the end of the four years you are completely in the power of the company as to price. He had therefore considered it fortunate that so few contracts had been effected.

Another idea exists, (said Mr. G.,) which is that the Government shall, by law, declare these railroads post routes, and then contract with persons to carry the mail on them in cars, provided by the Government or the contractor. This, he thought, would be perhaps the most expensive plan of transporting the mail that could be devised. Grant the power of this Government to transport the mail on them, it would scarcely be contended that the right to transport passengers or private property existed. If, then, these engines and cars were to be procured and kept in operation for the sole purpose of carrying the mail, the expenses could not be borne by the Government. Not so with a railroad company. A small increase of their means of transportation would enable them to take the mail and its superintendent.

He had heard another plan suggested, which was, that, as these companies were common carriers, the mail carrier, employed by the Post Office Department, would have the legal right to demand the transportation of himself and mail, at the usual legal rates. Admit this to be so, said Mr. G., you put the mail, as to the time of its departure snd arrival, entirely in the power of a corporation, proverbially heartless at all times, but especially so when at variance with you upon the subject of money transactions. If the Postmaster General were not to control and fix the times of the departures and arrivals of the mails, a derangement and disorganization would ensue, the evil effects of which could not be calculated.

If two hours' delay should take place between this and Baltimore, the mail of one day would be lost to all post offices east and north, not only on the main line, but on all the dependants or lateral mail lines; and the same consequences would follow south and west, upon a failure on the great southern line. This proves, said Mr. G., that you or the Post Office Department must have the control of the railroads, as to the times of departure and arrival of the mails. Besides, the mails had to be delayed in some of the offices, for short periods, to be distributed and exchanged, and in such case the managers of engines and cars must wait, or there would be failures; and when the Post Office Department was in controversy with these companies, they will intentionally produce those failures. Besides, our stipulation in a contract should be, in case of injury to an engine carrying the mail, the first that could be had should be taken, if it stopped the transportation cars.

Upon an examination of all the plans and suggestions he had heard, he could see no plan so practicable as that contained in the bill, by which to secure the advantages of the railroads for the transportation of the mail; besides all collision and irritation, between this Government and the States, and their incorporated companies, will be avoided.

He was, in the general, as much opposed to monopolies and corporations as any one; but here were State charters, granted by State Legislatures competent to grant them; and we had no power over them, except that which might arise from the authority in the constitution to establish post roads. Was there, then, any wisdom in having a controversy with these companies, when we could, at a reasonable price, procure valuable and indispensable services from them, and change them into agents of great public benefit?

So strong was his conviction of the great utility of these railroads as a means of defending the country, that, so soon as a reasonable number of fortifications should be erected, and the principal roads now projected should be completed, he should consider this country perfectly secured against foreign invasion. Ten thousand men, with their arms, could be brought from Baltimore to this place in three hours; the militia, from the whole interior east of the Allegany mountains, could be placed on the seacoasts in two or three days; the physical strength of Philadelphia could be transferred to Baltimore or New York in a few hours, and each of these cities could be brought to the relief of Philadelphia, if needed, in the same period of time.

Should the two great routes in the western country, which had been projected under very favorable auspices, be effected, New Orleans would never again be in danger. If the road from New Orleans to Nashville were in operation, in three days men could be sent from the latter to the former place; they could be sent from the most populous parts of Mississippi in half the time. If the road from Charleston to Cincinnati should be completed, the militia of the back country, even embracing a portion of Tennessee, could be transferred to Charleston in less than forty-eight hours in case of an invasion.

The advantages of these railroads to the Government were too apparent to require further illustration. What objections could be urged? It could not be objected that State rights were invaded. According to the views of the strictest sect of State rights men, here was no attempt at jurisdiction. The States and their incorporations retained all the power over the roads; this Government did not become a partner, nor had it any control in any manner over them. It contracts with the company to receive the mail at a given time and to deliver it at a certain place before or at a time specified in the contract, in the same way that it now contracted with an individual who was to transport it in stages or coaches.

The friends of internal improvement by the general Government could not say that this measure conflicted with their principles. It neither affirmed nor denied them. It was free from the controversy growing out of that subject. It would afford incidental aid to the construction of railroads, but, at the same time, did not bring up the disputed questions which had divided the people of the country. Without examination, it might be apprehended that the scheme would involve the Government in the concerns of these companies. Not so, (said Mr. G.;) no money is to be advanced until the road, or some important section of it, is in actual use, and then only for that part of it which is completed. No visionary schemes would be embarked in by the Government, but it would proceed on absolute certainties. This measure was recommended by its equal operation and beneficial effects in all the States. Every State was now engaged in constructing, and would have railroads passing through them. In a short time all would have the benefits of these contracts extended to them. It might be apprehended that the Government might lose the money advanced by a failure of the company. This was very improbable. It was not to be expected that Congress would make any contract until it had well examined the ability of the company, its connexion with the State Government in which the road was located, the importance of the road itself, in relation to the points it connected, and those through which it passed. Further, a lien was to be had upon the road itself, and every kind of property appurtenant to it; and in case of a failure to comply with the contract, proceedings were to take place to subject the whole to the payment of the money advanced by the Government. If a company should fail, and proceedings be instituted against them, the general Government ought not (and he was willing so to provide) to become the purchaser. If the road should be of value, other purchasers would come forward and buy it; and the property on which the lien existed would always be sufficient to secure the Government. For no money was to be advanced except the road should be finished, or a section of it sufficiently important for the transportation of the mail thereon.

Upon what principle were these contracts to be made? This was a matter for the decision of others, and not his. He should himself be willing that a fair compensation should be fixed on for the transportation of the mail and other public property. Then advance a sum which would produce an interest, the amount of the yearly compensation, making a reasonable addition for increased expedition.

After some further general remarks, Mr. G. said it was his design, at the proper time, to associate in the bill the Secretary of War with the Postmaster General, as the provisions of the bill appertained to the War as well as Post Office Department.

Mr. WEBSTER adverted to two resolutions he had presented at an early period of the session on this subject, and would have brought the matter forward at an earlier day, had it not been for the position in which he stood here as the friend of the land bill. If this bill could be brought in competition with the land bill, he would give that bill the preference; but if there was, in his opinion, money enough in the treasury to meet both objects, he was disposed to support this measure, no matter what party was for or against it, and concurred in the views of the Senator from Tennessee, [Mr.

GRUNDY.] It was their bounden duty to relieve the country from the evils of the accumulation of money in the treasury. He then went into a statement to show the amount of money in the treasury, which, in the aggregate for the present year, would amount to about forty-one millions, in addition to the seven millions from the Bank of the United States. And how were they to dispose of it? He concurred generally in the recommendations for appropriations for defence from the Department; but gave a preference to an increase of the navy over the fortifications. Forts were good in guarding against sudden attacks; but, after all, we must rely on a superior naval power to keep us free from invasion, except in those sudden attacks which no naval power could guard against. Looking to the extent of all reasonable appropriations, he thought there must be a large surplus, which they were loudly called on to dispose of. The state of the currency was made up at present of contradictory elements, in which money was scarce, and yet property high, beyond all precedent. This paradox might be solved by the propensity to draw all the money into the treasury, and hold it there. When the occasion came he would express his opinion on the causes, and hoped that time would soon come; but as it was not necessary in the discussion of this bill, he would not go into it now. He adverted to the advantages of transportation of mails on railroads over other roads, and thought if they could come upon any just and reasonable terms by which it could be effected, it ought to be done, and he would say even liberal terms. Companies had accomplished, and even exceeded, their most sanguine expectations, in completing and putting their roads in use, and their enterprise had far outrun that of individuals; and if they could be benefited, they ought. As he could not see that this measure could at all affect the land bill, he should vote for it, and hoped the Senate would pass it.

Mr. BUCHANAN said he had formed no decided opinion as to whether he should finally vote for this bill or not. As it had been taken up, at the present time, merely for the purpose of presenting the subject to the Senate, and not for decisive action, he would suggest some considerations which might or might not be entitled to weight. They would at least serve to direct the attention of gentlemen to the subject.

He had never read the bill until this morning. He wished to vote for it if he could; but serious difficulties presented themselves to his mind. In his opinion no constitutional objection existed against the first two sections of the bill. He believed that Congress possessed the power of appropriating money for the construction of roads and canals. This power had very often been exercised by a direct application of money, and often by a subscription of stock. Beyond the power of appropriation he thought we had no right to proceed. We could not, without violating the constitution, exercise any jurisdiction or assert any sovereign power over these roads and canals.

Whilst he conceded the right of Congress to appropriate money for the construction of roads and canals of a national character, experience had taught him that it was inexpedient to exercise this power, unless in extreme cases. He was against extending the powers of this Government, when it could possibly be avoided. He never wished the people of the States to look to Congress for the means of making these improvements. It was a corrupting system, and one calculated to give this Government a vast and dangerous influence. Besides, constituted as Congress was, it would be one of the very worst boards of internal improvement in the world. We should squander the public money, and be very often mistaken as to the value of the objects on which it was to be expended.

Now, he would ask whether this bill did not provide for a system of internal improvement. Railroads are becoming extremely common throughout the United States. There would soon be as many of them as there had been of turnpike roads a few years ago. In Pennsylvania, he was happy to say, they were extending very rapidly over the State. He believed that a considerable number of new charters had been granted at the last session of the Legislature. There was scarcely one of these railroads on which the mail would not and ought not to be carried. This bill, then, contained an authority to the Postmaster General to enter into contracts with all these railroad companies, subject to the approbation of Congress, and to pay them in advance, according to the admission of the Senator from Tennessee, [Mr. GRUNDY,] a principal sum which would yield an annual interest equal to the annual expense of transporting the mail over them, as well as the troops and military stores of the United States. You thus make the United States the creditor of all these companies, and form an intimate connexion between them and the Government. This connexion would give us an undue influence over these companies. It would be a direct application of our money to the construction of internal improvements. It is true we are not to pay till a section of the road on which the mail may be carried is completed; but we make contracts in advance, and thus enable these companies, out of our means, to prosecute their work. No man, however clear-sighted he might be, could anticipate, with any degree of accuracy, either the sums to be expended or the political consequences of connecting the Government of the United States, in the manner proposed by this bill, with the corporations which have been or may be created by the different States, for the construction of railroads.

Sir, said Mr. B., why should we part with the principal sum? Why should we take the money out of the public treasury, and place it in the hands of these companies? Would it not be better to pay them annually than to make them our debtors for such large deposites?

Mr. B. freely admitted that we must obtain the use of these railroads, by some means or other, for the transportation of the mail. If no other mode could be devised of accomplishing this purpose, and if this bill could be amended so as to obviate some of his chief objections, he might possibly vote for it; but if he should do so, he would still consider it a choice between two very great evils.

Again, (said Mr. B.,) suppose any of these corporations should fail to carry the mail according to their contract, what is your remedy? They have all your money in their hands in the first instance, and you would find difficulties almost insurmountable in recovering it back. In many instances you might be compelled to purchase these roads under your lien; and what would you do with them after they came into your possession? For the sake of the argument, suppose the United States to be but mere proprietors under the third section of this bill, without any power to exercise jurisdiction, what would then be the consequence? You would succeed to the corporate duties as well as the corporate rights of those companies, and this Government would be compelled to carry passengers, and their baggage, and merchandise, along those roads, or else forfeit the charter. This would be placing us in a most awkward and embarrassing position.

He would make another suggestion. Railroads were yet but in their infancy. Within ten years great improvements had been made upon them. It was but a few years since engineers sought for a level as near as it could be obtained, and did not so much regard the number of curvatures in the road. At present, straightness was a principal object, and if this could be obtained, an ascent of forty, fifty, and even sixty feet in a mile, was not regarded as a serious obstacle. The genius and enterprise of our citizens were such, he had no doubt, that other essential improvements in the construction of railroads would soon be discovered. Under the provisions of this bill you contract in perpetuity with existing companies. You are bound to them whilst they carry your mail according to their original contract. You can make no change without forfeiting your whole advance. You thus deprive yourselves of the power of advancing with the progress of the age, and having your mail carried in the most rapid mode. There will be many new railroads running nearly parallel with old ones between the same points. Under charters already granted by the Legislature of Pennsylvania, such would be the effect between the Susquehanna and York. Under this bill, you will contract with the proprietors of the railroad which may be constructed, and then your power will end, without a forfeiture of the whole principal sum. It would be much better, and in the end much cheaper, to limit your contracts to a few years, even if the annual cost should be considerably greater than the interest of the money which you propose to advance.

Mr. B. said he would make one other suggestion. He took it for granted that some disposition would be made of our surplus revenue during the present session. If either the bill to distribute the proceeds of the public lands among the States, or a bill for loaning the surplus in the treasury to the States, without interest, (and such a measure he understood was now in agitation,) should pass, it would be easy to annex such conditions, either to the one or the other, as would secure the transportation of the mail, and of the troops and military stores of the United States, over all the railroads belonging to the different States, and over all the railroads for the construction of which charters of incorporation might be granted by them hereafter.

If no other mode can be devised of accomplishing the same object, and if this bill should be so amended as to do away the very great objections which existed against it, in its present form, it should receive his support. For the present, however, he must be permitted to withhold his assent from it.

Mr. CALHOUN admitted that, if something was not done, the transmission of intelligence would be transferred from the general Government to the railroad corporations. He thought, with the gentleman from Pennsylvania, there were great objections to this bill. He saw very clearly, if they commenced this system, that there was great danger of its ultimately ending in a system of internal improvements. There was no knowing the extent to which these contracts would be carried; and there was also a great difficulty in fixing what would be an adequate compensation. He would mention another difficulty that could not well be guarded against. So long as it should be the interest of these companies to fulfil their contracts, they would do so; but when it became their interest not to fulfil them, and they failed to comply with their engagements, there was no remedy but a suit for the return of the funds advanced.

Mr. WEBSTER said the remarks he had made were confined to the general object of the bill, and thought the details might be altered in regard to the perpetuity or limitation of contracts. He would, however, take it for granted that the power was given in the bill to have modified contracts. He was glad the Senator from South Carolina [Mr. Calhoun] saw no constitutional objections, and had suggested difficulties which might be remedied.

Mr. GRUNDY remarked that there was nothing in the bill about the duration of the contracts. The bill contained no such provision; because he knew that the charters of the railroad companies in many of the States were limited.

He had now obtained his object in bringing the bill to the notice of the Senate. Neither he nor the committee supposed the bill was perfect; and they were obliged to gentlemen for any suggestions they thought proper to make. He hoped they would examine the subject further, and come to a conclusion to give it their support.

Mr. CLAY said that his opinion, heretofore expressed, in regard to the power of the Government to construct roads, was unchanged. He had little doubt that this measure, if adopted, would end in a complete revival of the system of internal improvement. At present the Post Office sustained itself, but this bill proposed a new principle, an entire change; and the people would want to know whether some diminution of postage was not going to be had, as it was to be supported from the surplus funds of the treasury. He was struck with the spirit of speculation, both in England and in this country, in regard to railroads, and alluded to a paper he had read, (published in England,) giving an account of the various projects for railroads there; and from its corresponding tenor with publications here, would have supposed it to have been published in this country, did he not know the fact to be otherwise. He spoke of the rapidity with which subscriptions to railroad stock were filled up. Sometimes they were filled up in a few hours by persons who never meant to pay the stock, and A would sell his stock at an advance to B, and B at an advance to C, and so on lower down the alphabet; and it was a species of great speculation. He had heard this morning of one in contemplation from Smithfield to Albany, a distance of one hundred miles, called a grand scheme, and the stock was taken in a few hours. He feared this measure of the Senator from Tennessee would operate as a stimulus to this system of fancy speculation, as it had been termed. Property had risen while money was depreciated, and more money wanted. The money lying in these deposite banks, and the want of confidence, and apprehension that this paper system must burst, and the hoarding up of hard money going on even by obscure individuals, to a great amount, might be added to the cause assigned by the Senator from Massachusetts [Mr. Webster] of the present state of the currency. If he (Mr. C.) had ten or fifteen thousand dollars, which, by the way, he had not, he should want to look out for some of this yellow or white money too. If this bill passed, owners of stock in these railroads would believe it was going to be valuable, and it would give rise to speculation.

Without expressing any opinion for or against this measure, it was clear that the Government must avail itself of the use of these roads in some way. In Pennsylvania and New York, railroads were becoming as numerous as common roads; and in those States where they had the most railroads they would get the most money; and therefore, according to the provisions of this bill, it would not be an equal apportionment of the money among the federal States; and in those States where assistance was in fact most needed, they would get the least. In regard to the Baltimore and Washington railroad, he had understood that, after paying to the State of Maryland the half dollar on each passenger, which he thought rather unjust, and other expenses, the whole amount divided among the stockholders was less than three hundred dollars. The bill granted no new power to the Post Office Department, and they ought not to hasten its passage. He thought, upon the whole, Congress would be a very bad board to examine into the nature of these contracts.

Mr. DAVIS was in favor of the bill. It proposed nothing more than an inquiry by the authorized agents of the Government into the capacity of the railroad companies to perform the service required, and on their being satisfied as to these particulars, a conditional contract, to be ratified by Congress, with the approbation of the President. The bill, therefore, was sufficiently guarded; for if they could not trust Congress, the immediate representatives of the people, to make contracts, there was no human agency by which they could be made.

Mr. **MANGUM** rose merely to suggest difficulties that occurred to him in relation to this bill. It took away the responsibility of the Post Office Department and transferred it to Congress, and was virtually establishing a system of internal improvement by the general Government. If it aided in any thing, it was those railroads now in progress. It authorized advances to enable their completion, which was essentially a system of internal improvement. The only difference between the parties in this country was, that one contended for State improvements by the States themselves, and the other for internal improvements under the denomination of national objects. It was resuscitating the old system of internal improvements in its worst form, and they could easily imagine the combination of associations with the Treasury, which might subsidize the whole community. The application of the principle would go to every one who raised a shovel full of earth in the construction of these roads. This was only one of the innumerable difficulties arising from the surplus revenue. Cases would occur where it would not be the interest of the United States, or of the company, to continue the use of these roads, and then they would be thrown upon our hands. Hundreds of thousands of dollars would be invested in these improvements; and he would prefer going directly into the system of internal improvement, as they would then be able to judge where it would lead to. He would prefer more time to look into this matter, and for the present had merely thrown out these suggestions as they had occurred to him. He was unwilling to proceed in this matter at all, and not merely because of his distrust of the Postmaster General or the supervision of Congress. He understood the object was to empower the Postmaster General to look a great way ahead, and make advantageous terms by advancing large sums of money. Many changes might take place within the period within which a contract for a long period might be made, which might lessen its advantages. The Postmaster General had a right to contract for four years now, and he apprehended, on the roads already finished, they would take no less for the transportation of the mail. He had no doubt, however, that these railroads would have to be resorted to for the transportation of the mail. This was an important matter, and ought not to be hastened.

Mr. **GRUNDY** said he wished the Senator from North Carolina had read the report, and he would have understood the bill better. The bill proposed that money should be advanced in two cases only: one where the entire road was in operation, so that the mail could be on it, and the other, where an important section of the road was in operation. Then the right to carry the mails on them might be contracted for, but the contract must be approved by Congress. There could be no contract so as to produce the payment of the money before the corporations commenced performing the service.

Mr. **BENTON** had made it his business to consider this proposition, and listen to what had been said with respect to it. But he was bound to say that he saw difficulties of many kinds surrounding this proposition; one of them would be the shifting of large burdens from the Post Office Department on the Treasury, while it, at the same time, threw additional burdens on it. These railroads were only carried from one great point to another, passing by the smaller towns and villages, without stopping long enough for the purposes of the mail, so that the mails for these neglected places would still have to be kept up, though the mails were transported from one great town to another in the railroad cars. It was known that these railroad companies were instituted solely to their own convenience, without regard to political or any other considerations. Their cars run from one great point to another, without taking into view the intermediate points; while, in various parts of the United States, there were so many minor post offices, so near to each other, that it had been found necessary to establish a rule that the post offices should not be nearer than five miles to each other. These rail cars did not arrive at the maximum of their speed until some time after starting, and were obliged to restrain their speed for some time before stopping; consequently, if they should stop frequently, they would not, on the average, travel much faster than the ordinary mail. With respect to the length and breadth of this scheme, the Senator from Tennessee found it impossible yet to determine any thing like its boundaries, and that it was so impossible would be granted by any one who would cast his eyes over the map of the United States. By patronising one company, the hopes of various others would be excited, and active competition would be produced for the patronage of the Government to a great extent. There were at this time, in Missouri, projects for nearly three hundred miles of railroad. He mentioned this for the purpose of showing how numerous and how extensive these railroad projects had become; for if the business was carried so far in a State of the population and resources of Missouri, how much further would it be carried in States whose population and resources so greatly exceeded hers. If the scheme took effect in one place, it must pervade all the others. If other States got the patronage of the Government, Missouri would also make application for it, and so it would be with all the States, until they obtained their share. He thought, therefore, they could not see the boundaries of this scheme. The difficulties with regard to this measure appeared to him to be such that, like other gentlemen who had addressed the Senate on the subject, he was willing to hold it under consideration, without pledging himself as to the course he should take. He, for one, did not think they ought to surrender so quickly, and agree that they could not get along with the business of the country without the aid of these railroad companies. Certainly the speed of these cars was very great, but they had very different objects in view from the transmission of general intelligence. They must regulate their own hours of arrival and stopping; a circumstance wholly incompatible with the convenience of the mails. It would be in vain for the Postmaster General to attempt to regulate this. Considerations affecting their own interests, and the convenience of their passengers, would solely influence them. He could readily see that our common mail stages, loaded with a newspaper mail of wet sheets and nine passengers inside, must travel slowly, yet some arrangement might be made which would give sufficient speed to the transportation of the letters. For instance, by sending the letters first in horse mails to themselves, then the newspapers, and, lastly, the documents, the letters might, by sufficient relays of horses, travel as fast as the railroad cars; for although the speed might not be the same, for a given number of miles, yet taking into consideration the stoppage of the cars at different points for passengers, the average speed might be made nearly equal. He had understoood that great delays, by which passengers were subject to much inconvenience, had occurred on one of these railroads—the railroad from Baltimore to Wheeling. He had been told by gentlemen, who had recently travelled on that road, that the delays to which they had been subjected had been so vexatious that they had cause to regret that railroads had superseded the old mode of travel. Mr. B. replied to the argument that these railroads would be of great advantage in transporting the troops and munitions of war of the United States. Under the present arrangement of the War Department, he said, the expenses of the travel of the officers was much better regulated by allowing them so much per mile; and when war came, the Government could, under the provisions of the constitution, take one of these railroad cars for the transportation of its troops with the same ease that they could take an ox team. Let a war begin, and there was a spark of patriotism in the bosom of every man, which would induce those companies to offer the use of their railroads to the Government on reasonable terms; but if in any case that patriotism should be wanting, there was a provision in the constitution which would enable the officers of the Government to take these cars for the transportation of troops or munitions of war, as readily as they can take an ox cart.

For the present (Mr. B. said) he would hold this measure under consideration. He saw many difficulties in the way, and he hoped that the friends of the bill would find some mode of getting over them.

Mr. **WEBSTER** knew of no one instance of such fancy speculation as alluded to by the Senator from Kentucky, [Mr. Clay,] of the first class selling to the second, and the second to the third, and so on; and he understood from the Senator from South Carolina that no such speculation existed in South Carolina. He believed these enterprises were connected with the public good, and ought to be encouraged. If there was a spirit of speculation abroad, and he rather thought there was, and also an excessive spirit of internal improvement, would not the same spirit exist, in case the land bill passed, in the distribution of the money among the States in which these improvements were going on, as existed now.

Mr. W. made some corrections of his statement of the average amount of money per quarter in the treasury, when up before.

After some remarks from Mr. **LEIGH**, the bill was laid on the table; and, on motion of Mr. **PORTER**,

The Senate then adjourned.

Tuesday, April 19.

TRANSFER DRAFTS.

Mr. **EWING**, of Ohio, offered the following resolution, and asked for its consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of moneys of the United States, received for public lands in the States of Ohio, Indiana, Illinois, and Missouri, and the Michigan Territory, has been, in pursuance of his instructions, transferred to banks in the eastern cities, since the 30th of June, 1835; and that he designate the banks from and to which such transfers have been made; that he also inform the Senate whether any such transfers are now ordered; and whether any of the deposite banks in the above-named States or Territory have authority to direct what money shall be received for public lands in the districts for which they are the depositories.

Mr. E. said he had received from several quarters a circular directed by one of the deposite banks in the State of Ohio to the other banks in that State, the extraordinary character of which had induced him to make the inquiries specified in the resolution, and asked that the circular may be read.

CIRCULAR.

Clinton Bank of Columbus, *April* 1, 1836.

Sir: The large amount of paper received from the land offices, and the difficulty and expense of converting it into funds receivable by the Treasury Department in the eastern cities, (whither nearly the whole amount is necessarily required to be transmitted,) will compel this institution in future to decline receiving through that channel the paper of all the banks of the State, other than the deposite banks, that will not consent to redeem the paper so received, by drafts on New York, Philadelphia, or Baltimore, payable thirty days from date, at par!

Permit me to inquire whether it is the wish of your institution that your paper shall be received upon these terms?

Instances occur daily of eastern funds being converted, at a profit, into the paper of the local banks, which is paid into the land offices, and the burden of converting the paper again into eastern funds is thrown upon the institutions receiving the public deposites.

You are aware that we have heretofore received the paper of all the banks of the State, without condition or discrimination. We regret that the rapid sale of the public domain, and the premium which it costs to convert such paper into the medium in which our remittances are made, will not permit us to continue to do so.

Be pleased to let us hear from you, in reply, as early as practicable.

In the mean time we have directed the receivers who deposite here not to receive, after the 20th instant, the paper of any bank of the State, (other than the deposite banks,) unless hereafter instructed to that effect by this institution.

Very respectfully,

J. DELAFIELD, Jr., *Cashier.*

I wish to know (said Mr. E.) whether nearly all the moneys received for the sale of the public lands in Ohio are in fact transferred by order of the Secretary of the Treasury to the city of New York, and the other eastern cities, and, if so, I wish to know why this is done? There is already in deposite in New York a very large amount of the public money, for which there is no present or probable future use; an amount, I believe, exceeding ten millions of dollars in that single city, and large sums in the other Atlantic cities. Why is it, then, that, of the small amount, the mere modicum of the public moneys, which is received in Ohio, "nearly the whole amount is necessarily required to be transmitted" to these same eastern cities? If this be so, as stated in that circular, and I have no doubt it is, for there is no question whatever of the veracity of the gentleman at the head of that institution, I wish to know what public necessity or public convenience has required the Secretary of the Treasury to drain this money from the West, and lodge it in the deposite banks in the great cities. There are some other matters indicated by this circular, of which I wish to be informed. It is stated there that orders have been given by that deposite bank to the receivers of public money of the United States, who make deposites at that bank, that they shall not, after the 20th of April, receive any notes of the Ohio banks, other than deposite banks, in payment for land, unless thereafter directed so to do; and they make it a condition to such directions, that the banks shall agree to pay the amount of their notes so received—not in specie—no, that will not do, but in drafts on some of the eastern cities at thirty days' date, at par. Such drafts are worth from one to two and a half per cent. advance; and this is the tax that this deposite bank levies upon its neighbors for the privilege of having their notes made receivable by the Treasury of the United States. This is a very important power, and a very profitable one, and if it be in fact vested by the Secretary of the Treasury in the deposite banks, it is time that the public should be informed of it.

There are in the State of Ohio, if I have counted them right, thirty-four banks, with a capital of a little more than nine millions of dollars. Most of them have been in operation about twenty years, and have at all times, since the restoration of specie payments in 1818, preserved the highest character for solvency and stability. I hold in my hand a report of their condition, made to the Legislature of Ohio in January last, which is subject to the inspection of any gentleman who wishes to examine it. It shows a strength and soundness in their condition not excelled, and, I incline to think, not equalled, by any like number of banks in the United States. There is no question about their perfect ability to answer all their engagements.

This bank, which, by virtue of power derived from the Treasury, is about to control and limit the circulation of its thirty-two neighbors, all of equal credit and ability with itself, went into operation not more than two years ago. Its capital, amounting to $288,680, is nearly half owned out of the State; and it is not acceptable to the other banks, nor do I think it is to the public generally, that this kind of control should be given to this new institution, so large a part of which is owned by capitalists in the cities, over the other well-known and long-tried institutions of the State. The banks do not like it; but some of them, for reasons not explained to me, are unwilling to be known as complaining of it. I received this circular, as I observed, from several quarters, and some of them require me not to say who sent it to me. I suppose they are afraid that the deposite bank would resent the communication; and a war with that bank, carried on, as it would be, by ammunition drawn from the Treasury of the United States, is rather to be dreaded than rashly incurred.

The banks, however, must, I presume, refuse the terms imposed upon them by the deposite bank, and permit their notes to be so far discredited as a refusal to receive them for the public lands will tend to their discredit. Exchange is high, and difficult to be procured; I have been told that it has, within the present spring, come up to two and a half per cent. It ranges, I have no doubt, from one to one and a half, in the regular course of business. What this bank, then, demands of the other banks is this premium upon all their notes that it may receive for lands—so much more than gold and silver, which they are all ready to pay at their counters.

This bank, then, requires the receivers of public moneys to take none of the notes on the banks of the State for lands, except the notes of the deposite banks; and there are but two of them out of the thirty-four. An individual who wishes to purchase lands gets his money principally in notes of the banks of the State, part on one bank and part on another. This money will not buy land, and he cannot go round among the banks to get specie for it; and if he could, it would be very inconvenient to carry silver (and there is no gold among us yet) into the woods for such an object. He therefore, if he knows of this regulation, must go to this deposite bank, and make exchanges for their paper. Thus the other banks lose their share of the circulation; the purchaser pays a premium to the deposite bank for the exchange, or, in the expressive language of the country, he gets his paper shaved, and the notes are returned upon the State banks for specie. Or perhaps the farmer, who goes out to purchase land, does not know of this regulation, and takes his money out, as used to be done, in notes on good specie-paying banks. He suits himself in his tract of land, and proposes to make the entry. He takes out his cash, and is told that it will not do; he must have notes of the deposite banks. What then? Must he return without making his purchase? No, not so. I venture the conjecture that there will be a shaving shop very near the receiver's office, where he can get his money shaved by paying about five dollars on the hundred, and receive for it the paper of some one of the deposite banks.

I wish to know, Mr. President, whether this state of things, as set forth in this circular, does exist, and must continue to exist; whether the public money received for land in the West is, and must continue to be, nearly all transferred to the eastern cities. And I wish to know, also, whether the Secretary of the Treasury has authorized any one or more banks in Ohio to direct what money shall and what shall not be received for public lands in that State and in the neighboring States. To obtain this information I have offered this resolution.

The resolution was then agreed to.

LAND BILL.

The Senate proceeded to consider the bill to provide for the distribution of the proceeds of the public lands among the several States, and granting lands to several States.

The question being on the motion of Mr. BENTON to strike out the clause granting lands to Missouri,

Mr. SOUTHARD addressed the Senate in a speech of great length, in support of the bill. He said that he would not approve of the distribution of a dollar of this money that was wanted for the completion of the national defences on a permanent footing of strength and respectability; and entered into calculations from the estimates of the Secretary of the Treasury, and taking into view the expenditures of the last year, for the purpose of showing that the national defences, both naval and military, can be completed on the most liberal scale without touching the proceeds of the land sales, and still leave a large surplus yet to be disposed of. These calculations, he said, were bottomed on the estimates of the Secretary imself. In his calculations for the naval defences, Mr. S. expressed himself in favor of the most liberal appropriations that had been suggested. He said he would go as far as the seven millions per annum, as estimated by the Secretary of the Navy; though he believed that, with a much smaller naval force than this sum would produce, and with a seacoast like ours, we might bid defiance to the combined naval force of the whole world. Mr. S. spoke in high terms of eulogy of the navy, and declared that a naval force was the most appropriate arm of defence for free Governments, there being no instance recorded in history where navies had ever been instrumental in subjugating their country.

Mr. S. was not in favor of an increase of the army. He gave it as his opinion, in which, he said, he was supported by the Secretary of War, that the present army was sufficient for all the purposes for which an army was needed.

As to fortifications, he was for completing those already begun on a liberal scale, with such others as information, founded on actual surveys and estimates, showed to be necessary; but he was of opinion that the system of fortifications was injudiciously commenced, though under circumstances which, at the time, seemed imperiously to recommend it. Those who originated the system were actuated by feelings of mortification at the frequent aggressions of the enemy on our shores, and a very natural desire to prevent the hostile tread of the foreign soldier on our shores in future. They had no idea of the immense power and wealth to which this giant nation would arrive, and that its vast population and resources, with the improved facility of intercommunication throughout the country, would, taking our navy into consideration, render us secure from invasion.

Mr. S. then argued that, there being no want of the proceeds of the land sales for the purposes of the Government, there being more than enough for all our expenditures, of every description, arising from the money received for customs, this fund ought to be appropriated for the common benefit of the whole of the States, as was originally intended by the act of cession of the State of Virginia. He answered the various objections that had been made to this bill, contending that the money was not needed for national defence; that it will not be wanted either for Indian wars or wars with foreign nations; and that it could not possibly impede the growth or prosperity of the new States, as had been objected by gentlemen opposed to the bill.

Mr. **SOUTHARD**, without concluding, yielded the floor to

Mr. **PRESTON**, on whose motion the Senate went into the consideration of executive business; after which,

It adjourned.

WEDNESDAY, APRIL 20.

LAND BILL.

The Senate proceeded to consider the bill to appropriate the proceeds of the public lands among the several States, and granting lands to certain States; when

Mr. **SOUTHARD** resumed his remarks, commenced yesterday. He had satisfied himself, from public documents in the possession of the Senate, that the Government had a right to the disposition as proposed of the public fund; in support of which he referred to the original grants, by which they were considered as a common fund, for the benefit of the States. This position he maintained in an argument at some length. Each State admitted into the Union subsequent to the grants gave its assent to this right.

He then proposed to show the justice and equality of the principles of the bill, and that it was not only the right, but the imperative duty of Congress to pass it. This was the only plan among all that had been proposed, by which an equal proportion of the fund would be given to the different States. It would prevent this fund from being used for party purposes; and he commented upon the natural propensity of parties in power to use it, and the effects of the use of it. It was a temptation to whatever party might be in power, from which they ought to be relieved. He went into a comparison between the expenditures of the last four years of President Adams's and the last four years of President Jackson's administration. The average of the former he put at $12,625,000, and the latter at $19,193,388; making an average difference in favor of the economy of the former of $6,567,910. This, he said, was the result of reform. The administration of Mr. Adams was regarded as prodigal; and he was considered as the most prodigal member of it in regard to the defences. But prodigal as it was, it was less so than the present; and if this was the case in the green leaf, what could they expect when the plant had reached its full vigor? In order to stop this downward course, it was necessary to pass this bill. This fund was in imminent danger; and he feared the time had gone by now when they could save it. The whole amount of capital in the deposite banks was $43,193,000, debts due the United States on deposites $38,754,000, and specie in their vaults $11,067,000.

He exhibited a general statement of the condition of the several deposite banks, designating the amount of notes in circulation in each, and the means relied on for their redemption. The whole currency of the country, he said, was under the control of the President, who, by his order, could ruin not only all the deposite but other banks; they were all at his entire mercy; which was more power than any one man ought to have, or than the Executive should have, even if he were all that was said of him; and unless there should be relief, there would soon be such a depression of commercial credit in this country as was never known since the organization of this Government. Some of them (the opposition) were rebuked because they were false prophets. He had prophesied that there would not be a return of gold currency, as predicted by the Senator from Missouri, [Mr. BENTON.] It was true that members of Congress could get gold here in Washington, but there was none of it to be seen in the country. So far, then, his prophecy was not false. The present state of the currency, he thought would be admitted, was worse than it was at the time of his prophecy, two years ago. The deposites could not be drawn from the banks promptly by the Government without those ruinous effects he had mentioned. But by assigning the money to the twenty-four States, according to this bill, they could be drawn out gradually, to meet the demands upon them by the respective States, as the money would be wanted; and it would be the interest of the States, in that case, to sustain these banks. Internal improvements by roads and canals could then go on prosperously, and education would go on under the auspices, care, and guardianship of the States, and the money would not be left in the treasury to be squandered away by an extravagant administration.

Mr. **WRIGHT** rose and said he had proposed to offer some views to the Senate upon the bill under consideration, before the question should be taken upon its engrossment; that the observations he intended to make had no relation to the amendments which were the immediate question under debate; but that, as the course of debate had seemed to indicate that the general merits of the bill might be properly discussed in the present stage of the proceedings upon it, he would go on at present, unless the very late hour should make it the pleasure of the Senate to postpone the subject until a future day.

Before he could enter upon the argument he had proposed to make, Mr. W. said he found himself bound to notice some few of the remarks which had fallen from the Senator [Mr. SOUTHARD] who had just resumed his seat. This Senator had informed the Senate, at various stages of his argument, that he intended to discard all partisan feeling and partisan remarks, and to discuss this important, and, in his judgment, most desirable measure, as a national, not a party proposition, as a measure of general and universal interest, not as one promoting the temporary advancement of a particular class of politicians, or of a favorite candidate, but of the whole country.

Mr. W. said he most cordially responded to the feelings of the Senator, as thus uttered and repeated, so far as any connexion of partisan politics with the discussion was involved; and although differing widely from him upon the benefits to be derived to the public from the passage of the bill, he fully and entirely agreed with him in the position that the measure was not partisan in its character, and ought not to be made so in the debate.

It was his desire, at all times, to confine himself, in every discussion in this body, to the subject before it; and upon the present occasion he had supposed that subject was "the land bill," so called. Still he could not fail to notice that the Senator [Mr. SOUTHARD] had commenced his speech by a discussion of the railroad bill, and closed it by a dissertation upon the insecurity of the deposite banks. He would not assign motives to the remarks of this character which have recently been heard in Senate from various quarters, and as strongly from the Senator from New Jersey, [Mr. SOUTHARD,] at the close of his speech upon the land bill, as from any other quarter. He did, however, upon this occasion, consider it his duty briefly to notice those remarks, and the effects which they were calculated to produce. The present, he said, was a time of severe pecuniary pressure upon the large mercantile towns. The merchants were struggling to preserve their credit, and to raise the means necessary to carry on their business and meet their engagements. The struggle was severe and dangerous. but, if left to themselves, he had strong hope it would be successful and triumphant. The suspicion and distrust calculated to arise, from such a state of things, among capitalists and commercial men, are the strongest grounds for fear and apprehension.

Could it then be wise or just to attempt here to shake confidence and destroy credit? Could it be beneficial to any national interest, or to any individual interest, to proclaim from this hall that those institutions of the country, from which alone the merchants can expect immediate and efficient relief in the present emergency, are unsound, irresponsible, and rotten? Could it answer any end of patriotism or philanthropy, by declarations and denunciations of this sort, to produce runs upon these institutions, and thus put it out of their power to afford the merchants that aid which the crisis demands? Could it, in short, serve any valuable purpose to add a panic to the present pressure, and, by destroying confidence in all quarters, to render certain the bankruptcy and ruin which was now merely threatened? If the honorable Senator [Mr. SOUTHARD] could see any benefits likely to result from such a course, he could not. If that gentleman felt bound to act such a part, at such a time, he did not. He held his seat upon this floor for the performance of no such office, and he must express his deep regret that any others should thus construe their high duties here.

He had seen no unusual cause for distrusting the banking institutions of the country, and certainly none for distrusting those which were strengthened by the possession of the public deposites. The statements made upon the subject were fallacious and deceptive. They were mere comparisons of the instant means of the institutions with the whole amount of their liabilities—a comparison which rejects entirely the item of "bills receivable," always the most important item in calculating the property and security of a sound and well-conducted bank. Let gentlemen add that single item to their statements, and they will show every deposite bank in the Union sound and secure.

Mr. W. said he was sorry the Senator had not been able to close his remarks as he had commenced them, in a spirit of candor and mildness, and unaccompanied by those expressions of partisan prejudice and partisan passion which too frequently characterized his addresses before the Senate. He had appeared at the commencement to be fully conscious of the propriety and policy of such a course in the present debate, and had avowed an intention to pursue it, and he, Mr. W., had witnessed his adherence to the intention, until near the close of his speech, with unfeigned pleasure; but the force of partisan feeling had got the better of the judgment of the Senator, and he could not bring himself to a conclusion without visiting upon the venerable man, now at the head of this Government, his accustomed paragraph of denunciation and abuse. He, Mr. W., would say to the Senator, that he thought this portion of his remarks had better have been omitted; that his going thus out of the way to pour abuse upon the President would not, even with his immediate constituents, add any thing to the moral force of his argument, upon a subject which did not call for political recrimination. It was not his purpose to reply to the Senator, and these few remarks were all he proposed to offer, in reference to his observations, except, perhaps, to notice, in passing, one or two of his positions which connected themselves with the train of reasoning he had proposed to pursue. He would, therefore, proceed with the observations he had intended to offer to the Senate, and, in doing so, he would attempt to show—

First. That the bill is, in effect, a bill to distribute, not the "nett proceeds of the public lands," as its language imports, but the revenues of the Treasury generally.

To establish this proposition, it will be necessary to show what have been the gross proceeds to the treasury of the public lands, from the commencement of the sales to the present time, what have been the expenses from the treasury, justly chargeable to the lands, and, in that way to ascertain the "nett proceeds" now resting in the treasury. As the latest date to which the documents before the Senate would enable him to state these facts, Mr. W. said he had taken the 30th of September, 1835, because the accounts on both sides had been brought up to that date, and not, with any precision, to a later day.

The gross amount of money paid into the treasury for the purchase of the public lands, from 1796 to the 30th of September, 1835, inclusive, has been,		$58,619,523 00
To this sum the following items are added, in the statement appended to the report of the Committee on Public Lands of the Senate, which they claim to be also proceeds of the public lands, viz:		
Certificates of public debt and army land warrants, -	$984,189 91	
Mississippi stock,	2,448,789 44	
United States stock,	257,660 73	
Forfeited land stock and military scrip,	1,719,333 53	
		5,409,973 61
Thus showing a total of gross proceeds, thus ascertained, of		$64,029,496 61

Mr. W. said it seemed to him that there were items in this account, which ought not to be there, but they were, in all cases, so blended with items which he supposed proper, that it was impossible for him to distinguish the amounts which, in his judgment, ought to be deducted from the above gross sum.

To illustrate his meaning. The first item was money paid into the public treasury; and, in the statement of an account between that treasury and the public lands, there could be no doubt that it should be debited to the former and credited to the latter. The second item was designated as "certificates of public debt and army land warrants." From what he had been able to learn, the "certificates of public debt," so far as they had been paid in lands, were properly chargeable against the treasury in an account with the lands, because their payment, in that manner, must have relieved the treasury from the payment of so much money. The amount, however, could not be ascertained from the statement, in consequence of the blending of these certificates with the "army land warrants." These latter he supposed to be "warrants" for revolutionary bounty lands, and he could not see the propriety of valuing these lands, and charging them against the treasury in the statement of this account. If he was mistaken in his supposition in relation to these warrants, he hoped some Senator would correct him, but if he was not, the debts against the Government were debts contracted for the conquest of the lands, and properly chargeable against them; they were payable in land, and not in money from the treasury, and having been so paid, the lands had, to that extent, discharged the debt, but not secured a claim against the treasury. The amount of these warrants, therefore, as he understood the subject, ought to be deducted from the $984,189 91, which constitutes the second item charged as proceeds of the public lands. What proportion of that item was made up of "army land warrants," and what of certificates of public debt," he had no means of determining, and therefore he could not make such a statement of the amount as he should consider just.

The third item was designated as "Mississippi stock." This stock, Mr. W. said, he understood to have grown out of the celebrated Yazoo claim, and that the Government of the United States had become a party to the transaction, in consequence of having stipulated with the State of Georgia, as one of the considerations upon which that State consented to make her cession of the public lands to the United States to indemnify her against the Yazoo claimants. The stock was payable in land, and was considered in the nature of land scrip; it was the consideration of the lands out of which it was to be paid, and the amount here set down is the amount of the lands conveyed to cancel the same amount of the stock. It was, therefore, a debt against the lands, and, to this amount, was paid by the lands, and cancelled the debt to that extent. It did not, however, raise a claim in favor of the lands against the Treasury, because the lands merely paid for themselves. This amount, therefore, $2,448,789 44, ought, most clearly, to be deducted from the statement above given of the gross proceeds of the public lands.

The fourth item is "United States stock." This is supposed to have been stock issued for loans of money for the support of Government, and to carry on the war of the Revolution; its payment was chargeable upon the public Treasury, and so far as the holders of it consented to take lands in payment, and did do so, the value of the land, is, most manifestly, a proper charge against the Treasury in favor of the lands. This item, therefore, is believed to be properly included in this account.

The fifth item, designated "Forfeited land stock and military scrip," is again supposed to consist partly of a proper and partly of an improper charge against the Treasury. The "forfeited land stock," so called, Mr. W. said, he was informed had accrued in this way: Formerly the Government sold the public lands upon a credit of five years, the purchase money being payable in yearly instalments, with the condition in the certificates, or contracts of purchase, that, in case the purchaser did not perform the contract by making the payments at the times stipulated, he forfeited all payments made prior to his default. During the practice under this system a large amount of forfeitures accrued, and the Government resumed the possession of the land, the payments made by the respective purchasers, prior to their forfeitures, still remaining in the public treasury. The amounts thus paid and forfeited were so large as to cause the subject to be brought before Congress, and laws were passed directing a stock or scrip to be issued to the various individuals who had made the payments thus forfeited, or to those claiming under them, authorizing the holder of the stock or scrip to locate, at the minimum price of the Government, a quantity of the public lands equal to the value of the stock so held. This, therefore, was, in effect, a mere sale of so much land for money paid into the Treasury in advance, and, to the extent of the "forfeited land stock," is a proper charge against the treasury in a just statement of the account between it and the public lands.

The other part of this item, designated "military scrip," Mr. W. said he supposed to be scrip issued for military bounty lands to the Virginia line of the army of the Revolution, and to be subject to the same objections as a charge in this account, which he had previously urged against the "army land warrants." It was most clearly a debt against the Government, payable and paid in lands, and as the lands were conveyed to this Government by all the States, "as a common fund" "for the use and benefit of the several States, according to their usual respective proportions in the general charge and expenditures," it was impossible to conceive how a debt of this character, assumed by this Government as one of the considerations of the cession of the lands by Virginia, and paid in the same lands, can now be considered a proper charge against the common treasury, upon a settlement of accounts between it and those lands, with a view to ascertain their nett proceeds now in that treasury.

Mr. W. said this was a heavy item, amounting to $1,719,333 53, and he deeply regretted that he was not able to determine, and to inform the Senate, what portion of this sum consisted of "forfeited land stock," and what portion of "military scrip," because it put it out of his power to make a precise statement of this part of the account in a manner which he could assent to as accurate and just.

These remarks, however, went as far as it was in his power to go, to purge the statement made by the Committee on Public Lands, as to the gross proceeds from the public lands properly chargeable to the national treasury. He would not attempt to bring down a sum, because the two compound items in the account, the second and the fifth, in the order he had observed in their examination, rendered it impossible for him to do so with accuracy, and it had been and should be his object to adhere to facts, as far as he could possess himself of them, and when conjecture must be resorted to, to yield all to the friends of this bill.

In consequence, therefore, of his inability to separate the improper from the proper portions of these two items, Mr. W. said he would allow the whole of both to the lands, and present a result stated upon that basis. It will be as follows:

The gross amount before given, as stated by the Committee on Public Lands, was - - - -	$64,029,496 61
Deduct from that amount the single item designated "Mississippi stock,"	2,448,789 44
And it will leave a balance of - -	$61,580,707 17

This balance is larger than the true gross proceeds of the public lands, calculated from this statement, by the whole amount included in the second item, under the designation of "army land warrants;" and in the fifth item, under the designation of "military scrip;" but as neither of these amounts can be ascertained from the documents before the Senate, although they are known to constitute a large majority of both the items with which they are connected, amounting together to $2,703,523 44, they will be overlooked, and the balance last given, including the "army land warrants" and the "military scrip," will, for the purposes of this argument, be considered the correct amount of the gross proceeds of the public lands.

Mr. W. said it followed, of course, that his next duty was to show the amount of expenses properly chargeable against the lands, and consequently to be deducted from the gross proceeds, as above ascertained, in order tha the might arrive at the "nett proceeds" in the treasury on the 30th of September last.

To do this from authority, and in a manner calculated to carry conviction to the mind, he must refer to two reports from the Secretary of the Treasury, made to the Senate in obedience to calls for the purpose, or rather to a call, as the one report was supplemental to, and amendatory of, the other. He referred to Senate documents upon the executive file, Nos. 65 and 80. The first in the order of numbers, though the last in fact, made, showed that the money paid from the treasury on account of the Cumberland road was $5,956,024. The second, as numbered, although the first and principal report, to which the former was a supplement, showed the following expenditures on account of the public lands, viz:

1. For expenditures under the head of the Indian department, which Mr. W. said he understood to be the expenses of Indian treaties, for the purchase of Indian titles to the public lands, the purchase money paid to the Indians for those titles, the annuities in lieu of purchase money, the expense of the removal and subsistence of Indians, and perhaps some other small items, incidental to the administration of our Indian affairs, amounting in all to $17,541,560 19.

2. For the purchase of Louisiana, by the convention with France of the 3d of April, 1803, $15,000,000, and the interest paid upon the stock issued for the payment of the purchase money, from the time of the issue until its final redemption, $8,529,353 43, amounting together to the sum of $23,529,353 43.

3. For the purchase of Florida, by the convention with Spain of 22d February, 1819, $5,000,000, and the interest paid upon the stock issued for the payment of the purchase money, from the time of the issue until its final redemption, $1,489,768 66, amounting together to $6,489,768 66.

4. Payments to the State of Georgia, as a part consideration for the lands ceded by that State to the United States, including, in the sum charged, the value of the arms furnished to the State under the compact of cession, $1,250,000.

5. The amount paid from the treasury to redeem that portion of the Mississippi stock (Yazoo claims) which was not cancelled by the grants of land in extinguishment of the stock, as before referred to; and here, Mr. W. said, was the strongest argument he could desire to show the propriety of the deduction he had made of the amount of the Mississippi stock, paid in lands, from the gross proceeds of the public lands, as given by the committee which reported the bill. Here was a charge by the Treasury against the lands of $1,832,375 70, for so much money paid to redeem that portion of the stock which had not been cancelled by the grant of lands; and one or the other proposition must unavoidably be true, to wit: either this charge by the Treasury against the lands, on account of the redemption of this stock, is wrong, and ought not to be made, or the charge made in the statement of the committee of $2,448,789 44, against the Treasury, and in favor of the lands, in consequence of the redemption of so much of the stock by grants of land, must be erroneous. Which proposition, then, can be sustained? To determine this question, it is only necessary to inquire how this indebtedness against the Government attached, and upon what consideration it was incurred. The answers to these inquiries have already been given.

The consideration to this Government was the cession of the public lands by the State of Georgia, and the debt attached when this Government stipulated, as one of the conditions of the compact of cession, to indemnify the State of Georgia, to the extent of these payments, against the Yazoo claimants. The Treasury of the nation received nothing, and should pay nothing; but the claims grew out of the lands ceded; were a part of the consideration of the cession; were, by this Government, made payable out of the lands ceded; and if money was called from the Treasury to cancel those claims, it was so called for and paid on account of the lands, and formed a proper charge against them. Hence the propriety of the item now under consideration, charged by the Treasury against the lands, for the redemption of "Mississippi stock," while the establishment of this charge in favor of the Treasury, by the most natural and necessary consequence, rejects the charge against the Treasury and in favor of the lands, for that portion of the stock paid in land, and not in money from the Treasury.

6. The salaries and expenses of the General Land Office, amounting to $797,748 64, which are paid from the Treasury.

7. The salaries of the several registers and receivers at the local land offices, which are separate from their commissions upon sales, and amount to $91,153 39. These salaries are paid from the Treasury.

8. The salaries of surveyors general and their clerks, and the expenses of commissioners for settling private land claims and of surveying the lands claimed. The Treasury has paid for these services and expenses the sum of $860,567 78.

9. Payments on account of the surveys of the public lands from the public Treasury, $2,780,630 97.

This, Mr. W. said, brought him to the statement of the account between the public Treasury and the public lands, as follows:

Charge against the Treasury the gross proceeds of the public lands, as before settled, - - - - - -		$61,580,707 17
Then credit the Treasury with payments on account of the lands according to the items as above settled, viz:		
Payments for the Cumberland road, - -	$5,956,024 00	
Expenses under the head of Indian department, - -	17,541,560 19	
Sum paid for Louisiana, and interest, - -	23,529,353 43	
Sum paid for Florida, and interest, - -	6,489,768 66	
Sum paid to the State of Georgia, - -	1,250,000 00	
Yazoo claims paid in money at the Treasury, - - - -	1,832,375 70	
Expenses of the General Land Office, -	797,748 64	
Salaries of registers and receivers of public lands, - - - -	91,153 39	
Salaries of surveyors general, and surveys and settlement of private land claims, -	860,567 78	
Payments for surveys of the public lands, -	2,780,630 97	
		61,129,182 76
This will leave, as the whole "nett proceeds" of the public lands in the Treasury, on the 30th day of September last, the sum of - - - -		$351,524 41

It will be seen that this statement of the account excludes from the charges against the Treasury the single item of "Mississippi stock," amounting to $2,448,789 44, and also excludes, upon the other side, from the charges against the lands, the sum of $2,479,049 13, being money received for lands by the receivers, and not paid into the Treasury, but retained for commissions and other expenses pertaining to the registers' and receivers' offices. Both these items balance themselves; the first being a debt contracted for the lands and paid in lands, and the second money received for the lands, and paid out for expenses on their account. Neither has brought any thing into the public Treasury, or taken any thing from it; and as this statement is between the public Treasury and the public lands, both items are excluded.

Mr. W. said he found another statement appended to the report of the Committee on the Public Lands, giving as the entire amount paid by purchasers for public lands, $67,578,949 73. This exceeds the amount given by the committee in the statements before referred to, and made the basis of the preceding calculation, by $3,549,453 12. It of course embraces the $2,479,049 13 retained by the registers and receivers, and excluded from the foregoing statement of the account, as not having come into the treasury. This will account for so much of the excess in this last statement, because this is made up, not of the money paid into the treasury as proceeds of the lands, but of all the money paid by purchasers for public lands. There will still remain an excess of $1,010,403 99, for which Mr. W. said he had not been able to account, as none of the documents he had discovered gave any information how this amount was paid, or to what uses the payments had been applied. One thing, however, was certain. It had not come into the public treasury, because all the statements, both from the committee and from the Treasury Department, agreed that $58,619,523 was the whole amount of money which had ever been received in the national treasury from the sales of the public lands, up to the 30th of September last. That sum he had taken in his statement of the proper charges against the treasury in favor of the lands. It was probable, therefore, that this excess had been expended for the lands before it reached the treasury, or that its payment had been made, not in money, but in satisfaction of some description of claims against the lands themselves.

If, then, he was right in these calculations, the whole "nett proceeds" of the public lands in the treasury, on the 30th day of September, 1835, only amounted to $351,524 41; and, were the bill general and applicable to the whole of the nett proceeds of those lands from the commencement of the Government to that day, it would act upon and distribute among the States but this amount.

It was, however, his intention (Mr. W. said) to place this view of the subject upon grounds which could not be contradicted, and, therefore, for the sake of the argument, he would suppose he was mistaken in every instance in which he had attempted to correct the account upon the one side or the other, and see how it would stand, assuming the highest sum given as the gross proceeds of the lands, and deducting from that sum the gross payments, shown by the documents from the Treasury Department to have been made on account of the lands.

The whole sum paid by purchasers of public lands, including the military land warrants, certificates of public debt, Mississippi stock, United States stock, forfeited land stock, military scrip, and all other payments of every description whatsoever, is given by the committee at	$67,578,949 73
The whole payments for account of the land are stated, in the two documents referred to, at - -	63,608,231 89
This mode of stating the amount will show a balance, as the "nett proceeds" of the public lands in the treasury on the 30th day of September last, of	3,970,717 84

This result (Mr. W. said) he considered entirely erroneous, as embracing an amount of more than three millions of dollars on account of military land warrants, Mississippi stock, and military scrip, not properly chargeable against the treasury. Yet it would appear in the sequel, that the position he had taken, that the bill, in effect, would not distribute the "nett proceeds" of the public lands only, but also the revenues of the treasury derived from other sources, would not be affected, whether the one statement or the other of the account should be adopted as the true statement.

Hitherto (Mr. W. said) his remarks had been predicated upon the supposition that the bill was general and applicable to the nett proceeds of the public lands in all past years, and upon that basis he trusted he had shown that the sum which remained in the treasury on the 30th of September last, subject to distribution among the States according to its provisions, was less than $400,000, and certainly less than $4,000,000.

He would now proceed to examine the bill as it is, and its practical effect upon the moneys in the treasury on the day referred to. The bill is not general, but confined in its operation to a specific number of years, to wit: Its action commences with the commencement of the year 1833, and terminates with the termination of the year 1841, extending over a period of nine years. By its language it purports to distribute the "nett proceeds" of the money received into the treasury from the sales of the public lands for those years. He would not attempt to give a construction to the bill, but would take, in this particular, the practical construction given by its friends. Most, if not all of them, have exhibited to us in figures, and sums of money to be divided, the whole amounts received into the treasury from the sales of the public lands. They have made no deductions for expenses beyond those made before the money reaches the public treasury. In holding up this golden prize to the acceptance of the States, they have told us nothing of the cost to the public treasury of their acquirement, or of reclaiming them from the possession of those natives whose inheritance they were, until purchased by the moneys of the nation. The bill is retrospective and prospective. The arguments in its favor have depended mainly, for their moving force, upon the sums received into the treasury for the years 1833, 1834, and 1835, from the lands, while the prospective arguments for the years 1836, 1837, 1838, 1839, 1840, and 1841, have received all the embellishments of an imagination excited, in a pecuniary sense, by the contemplation of millions, with a familiarity with which the mind of the industrious citizen contemplates dollars, until the expansion of imaginary wealth has reached almost beyond the bounds of arithmetical enumeration. The picture thus drawn has not been shaded by the expenses paid from the common treasury on account of the public lands, while its foreground has been fully and perspicuously occupied by the receipts into that treasury from the exhaustless resource of the public domain.

Taking this picture as the true practical construction and operation of the bill, (Mr. W. said,) he would endeavor to impress upon the Senate its effect upon the general revenues of the country. From the table appended to the report of the Committee on the Public Lands, marked No. 1, it would be seen that the receipts into the treasury from the sales of public lands, from the commencement of the year 1833 to the 30th September, 1835, had been as follows:

In the year 1833, - - -	$3,967,681 55
" 1834, - - -	4,857,600 69
" 1835, to the 30th Sept. -	9,166,590 89
Making a total of receipts during the period referred to of - -	$17,991,873 13

If the construction given to the bill by its friends be correct, this sum is to be distributed immediately upon its passage. Compare this amount with the whole "nett proceeds" of the public lands in the treasury on the day when this account of receipts closes. The receipts upon

which the bill is intended to act are, as above stated, - - -	$17,991,873 13
The whole "nett proceeds" of the public lands in the treasury, by a comparison of receipts and payments for account of the lands, from the commencement of the Government to the 30th September last, believed to be more favorable to the lands than truth will warrant, are only	$351,524 41
Thus showing that the practical operation of the bill will be to distribute to the States, of the money in the treasury on the 30th September last, over and above the whole nett proceeds of the public lands then in the treasury, a sum equal to -	$17,640,348 72

But it may be objected that this statement of the "nett proceeds" of the public lands is erroneous, and that the sum above specified is not the true "nett proceeds" in the treasury on the day referred to. Mr. W. said it was his anxious desire to avoid all questions as to facts, that the results and consequences he desired to present might have their full force. He would, therefore, present the same result, taking the amount of nett proceeds of the public lands, upon the day given, from the most favored calculation towards the lands which could be made from any of the data furnished by the Committee on Public Lands. The receipts for the period covered by the bill, up to the 30th September, 1835, as above given, were - $17,991,873 13

The nett proceeds of the public lands in the treasury on the same day, by the calculation most favorable to the lands, were - - - - -	3,970,717 84
This will leave a balance of revenue to be distributed, by the practical operation of the bill, not a part of the "nett proceeds" of the public lands, but derived from other sources, equal to - - - - -	$14,021,155 29

From this examination of the provisions of the bill and of its practical operation, Mr. W. said he could not doubt that he had established the proposition with which he had set out, viz: that the bill, should it become a law, would have the effect, not to distribute the "nett proceeds" of the public lands in the treasury alone, but also large amounts of the public revenues derived from other sources. The only question seemed to be, whether the bill would take from the treasury, of the revenues deposited there prior to the 30th of September, 1835, seventeen or fourteen millions not derived from the sales of public lands, but from the other revenues of the country; and he could not see that the principle involved would be varied, whether the one amount or the other should prove to be the true sum thus substracted.

So much for the retrospective action of the bill. The prospective action would now demand consideration. The calculations which have preceded, have only brought the account up to the 30th of September, 1835. The bill, upon its face, carries its action six and a quarter years beyond that time, to the close of the year 1841.* If the construction given by the friends of the bill to its retrospective action is to be the construction which is to govern its prospective action also, then the expenses justly chargeable upon the lands, with very unimportant exceptions, are, for the six years to come, to be charged upon the other revenues of the Government, while the proceeds of the lands are to be distributed to the States, as they come into the public treasury. In other words, the "nett proceeds" of the public lands for each year, after paying the expenses justly and properly chargeable to them from the gross proceeds, are to be distributed, and a further sum, equal to those expenses,* derived from customs, or other sources separate from the lands, is also to be distributed in the same manner, and by the same ratio.

Is not this, Mr. W. said he would ask, the fair operation of this bill, which purports to divide among the States the nett proceeds of the public lands? What difference can there be whether the whole proceeds of the public lands, which reach the treasury, are distributed as the bill proposes, and the expenses of the lands, of their purchase, of obtaining possession of them, and placing them in a condition to be sold, be made a permanent charge upon the treasury, that the whole avails of the sales may be distributed; or whether those expenses, necessary and indispensable to acquire the ownership of the lands, and to put them in a marketable condition, be paid out of the proceeds of the lands, and a proportion of the other revenues, equal to those expenses, be taken for the distribution? It would be difficult for human ingenuity to point out a difference to the treasury, to the public interests of this Government, to the States who are to receive the dividends; and, in his judgment, equally difficult to point out any difference in principle between this bill, having this practical operation, and a bill upon its face proposing to make the same distribution of the surplus revenue generally.

Mr. W. said it was not his purpose, upon this occasion, to discuss the constitutionality of this bill, or of any distribution of the revenues of this Government to the respective States, but he had felt bound to make this suggestion for the consideration and reflection of all who expected to support this bill, and might have any scruples as to the power of Gongress to make a distribution of the revenues generally, or of any other portions of our revenue than those derived from the public lands. He must believe he had shown that this bill, if it should become a law, and should receive the construction given to it by its friends here, would operate to distribute millions from the treasury which could not, by an exhibition of facts, or any form of reasoning, be made the "nett proceeds of the public lands," but must be admitted to be the proceeds of revenues derived from other sources.

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*The bill was introduced by Mr. CLAY, to extend from the 1st January, 1833, to the 31st December, 1837. The Committee on Public Lands reported an amendment to extend it to the 31st of December, 1841. This amendment of the committee was adopted by the Senate in Committee of the Whole, and was a part of the bill when Mr. WRIGHT made his speech. Subsequently the amendment was negatived by the Senate, and the bill restored, in this respect, to its original form.

*The bill originally used the general terms, "nett proceeds of the public lands," but, since Mr. WRIGHT's remarks were made, has been so amended as, in substance, to adopt the construction he here contemplates. It now provides that the nett proceeds shall be ascertained by deducting from the gross proceeds the expenses of the General Land Office, of the registers' and receivers' offices, of surveys, and of the five per cent. payable to the new States; but propositions to deduct also the purchase money paid to the Indians for the lands, annuities in lieu of purchase money, the expense of treaties with the Indians for the purchase of the lands, and the expenses of the removal of the Indians from the lands, were expressly rejected by deliberate votes of the Senate.

He had not been able, from any documents before him, nor had time permitted him to obtain from the proper department the information necessary to determine what had been the nett proceeds of the public lands for the years 1833, 1834, and 1835; but it was enough for the purpose of his argument to know, and to have shown, that until the year 1835, and until far into that year, the lands were, and in all former time had been, heavily in debt to the treasury, even without any claim for interest upon the advances made, beyond the sums of interest actually paid upon the stocks issued for the purphase of Louisiana and Florida. There was not, therefore, in the treasury, prior to the latter part of 1835, any such thing as "nett proceeds" arising from the sales of the public lands; but a deficit of gross proceeds to meet the expenses which the treasury had incurred on account of the lands. To attempt, therefore, to take money from the treasury, which came into it from the lands before that period, for the purpose of distribution, will be to attempt to take money which is not there, which had been expended before it came there; and if money be so taken, it will be money derived from other sources of revenue, and not "nett proceeds of the sales of the public lands." It will be a distribution, not of the proceeds of the lands, but of the revenues of the treasury generally.

Mr. W. said he proposed, in the second place, to attempt to show that if the proceeds of the sales of the public lands, for the years named, were taken from the national treasury and distributed to the States, that treasury, at the present rates of the revenues from the customs, could not meet the ordinary expenses of the Government, and carry on any system of national defence more vigorous or expensive than that which had been pursued for the last twenty years.

To come to a determination upon this point, he had examined with care the expenses of the Government for the last nineteen years, from 1817 to 1835, both inclusive; and, for the sake of brevity, he had averaged the expenses of each four years for the first sixteen years of the series, giving the averages, including the payments towards the national debt, and also exclusive of those payments. For the years 1833, 1834, and 1835, the expenses of each year are stated separately. The results, discarding minor fractions, are as follows:

Years.	Average, including payments on debt.	Average, exclusive of payments on debt.
From 1817 to 1820, inc.	30 4-5 millions.	15 ¾ millions.
From 1821 to 1824, inc.	21 do	11 ¼ do.
From 1825 to 1828, inc.	23 9-10 do	12 ⅜ do.
From 1829 to 1832, inc.	28 ½ do	14 do.
Expenses for 1833, -	24 ¼ do	22 ¾ do.
Expenses for 1834, -	24 ⅝ do	18 ⅜ do.
Expenses for 1835, -	no debt.	17 ¾ do.

From the above it will be seen that the average expenditures from 1817 to 1832, both inclusive, separate from any payments towards the national debt, were about thirteen and a half millions per annum, that in 1833 they appear to have been increased more than eight millions beyond those of the preceding year, and nine millions beyond the average of the sixteen previous years.

Mr. W. said he held in his hand a comparative statement between the expenses of the years 1833 and 1834, prepared for the purpose of showing whence arose the great difference of $4,000,000 between the expenditures, exclusive of payments upon the debt, in those two years. The analysis was long and tedious, and he had already wearied the patience of the Senate with too many figures and arithmetical calculations to trouble them with this statement. He would merely remark that a very large proportion of the expenses of the Indian war, known as the Black Hawk war, were paid in 1833; that the amount paid for pensions in 1833 exceeded the same payments in the following year by more than $1,200,000, arising, as he presumed, from the fact that the pension law of 1832 would be likely to call heavily for payments in 1833, not only for the accruing pensions of the year, but for arrears back to the date prescribed in the act; that the expenses of Indian treaties were $1,000,000 in 1833 more than in 1834; and that the indemnities from Denmark, amounting to $600,000, passed through the treasury in 1833, and were paid to the claimants, and, therefore, appear to swell the expenses of the year to that extent, although the Government had, at no time, any interest whatsoever in the money received and disbursed. There are various other items of expenditure, which varied, some the one way and some the other, in the comparison between the two years, but the four above named, and the large amount of duties refunded in 1833, $600,000 beyond the amount in 1834, in consequence of the conflict of the various tariff acts, constitute the most prominent and important causes of the very great increase in the apparent expenses of the former year.

The expenses for 1834 and 1835 had averaged about eighteen millions, exclusive of any payments towards the national debt. This would be seen to be a diminution from the expenses of 1833 of about four millions, and an increase of from three to four millions beyond the ordinary expenses of the years mentioned prior to 1833. He would not attempt to account for this increase, any further than to remark that appropriations by Congress had been, most palpably, becoming more liberal, if not extravagant, since the national debt was apparently rapidly approaching its final extinction, and the treasury remained full to a fault. It was not the private claims and private applications alone which met with an easy success unknown in former legislation, but public and permanent appropriations were increased and increasing. He would instance the munificent appropriations for this District, the late pension laws, the increase of the pay of the navy, and many similar laws, of the last few years. These instances were, by no means, particularized as wrong in themselves, or censurable in our national legislation. No opinion upon the measures are called for, or intended to be expressed, but the laws are referred to as prominent instances of the character of our late acts, carrying with them, from necessity, a material increase of the ordinary annual expenses of the Government. From causes of this character, our ordinary expenses, for the last two years, have averaged about eighteen millions, and that, notwithstanding the fact that not one cent was appropriated to the fortifications for the last year. What, then, can be fairly assumed as the amount of our ordinary expenses for the future? Will any one believe that they can fall far short of the average of the last two years? Must they not vary, according to the peculiar exigencies of different years, from sixteen to eighteen millions? Mr. W. said his examinations had satisfied him that they must, and that seventeen millions was as low an average as should be contemplated, especially when we were inquiring as to supplies for the common treasury. He believed a careful inspection of the expenses of past years, and of the several laws of a late date, making permanent appropriations, would bring the mind of each Senator to the same conclusion to which his had been brought by the investigations to which he had referred.

Having thus settled, as far as that could be done by analogy and experience, the amount required for the ordinary expenses of the Government, Mr. W. said it now became his duty to compare that amount with the revenue from customs, to enable the Senate to form a judgment upon the soundness or unsoundness of the proposition he had laid down. This he had done in the same manner in which he had examined and presented the expenditures, and for the same years, and he would give to the Senate, in as concise a form as possible, the results presented by the documents. To make the comparison more simple and perfect, and to give it less of the dry detail of figures, he had in this comparison, as in the statement of the expenses, grouped periods of four years for the first sixteen years of the examination, and would present separately each of the last three years. In this way the two statements might be compared with each other with convenience, and without possession of the mass of calculations which led to the results. The comparison follows:

Years.	Average gross ex-p'ditures.	Average revenue from customs.	Deficit of customs to meet expenses.	Excess of customs over ex-p'ditures.
For the years	Millions.	Millions.	Millions.	Millions.
1817 to 1820	30 4-5	19⅝	10⅛	
1821 to 1824	21	16 8-10	4¼	
1825 to 1828	23 9-10	21½	2⅜	
1829 to 1832	28½	24¼	4⅛	
1833	24¼	29	-	4¾
1834	24⅝	16¼	8⅜	
1835	17¾	19⅜	-	1½

The foregoing comparison, Mr. W. said, afforded the ground for several most useful inferences in relation to the former policy and practices of this Government. Some of those inferences he must bring to the notice of the Senate and the country, as he thought they would be useful in all time to come.

The first which he would draw was, that in the nineteen years last preceding the present, the revenue from customs had exceeded the expenses of the Government in but two years, and those two were years when peculiar circumstances, occasioned either by our own legislation, or by the condition of our foreign relations, most satisfactorily accounted for the excesses of revenue from this source. The first was the year 1833, when the greatest excess appeared. The high tariff of 1828 ceased its operation on the 3d of March in that year, but the long credits allowed under that act necessarily extended the collections of the customs which accrued under it over the whole of that year. In the mean time, the tariff act of 1833, known as the compromise act, was passed, and commenced its operation on the same day on which the act of 1828 ceased to operate. This compromise act introduced the system of short credits and cash duties, now a part of our commercial policy. From this state of facts every one must see that, during the last three quarters of the year 1833, double collections of the revenue from customs must be constantly making; first, the revenue upon the importations of 1832 and the first quarter of 1833, thrown into the last three quarters of 1833 by the long credits allowed under the tariff act of 1828; and, secondly, the revenue upon the importations of 1833, so far as the cash duties and short credits prescribed by the compromise act made the duties upon those importations payable within that year. Hence it was that the revenue from customs in that single year exceeded twenty-nine millions of dollars, and that without any thing unusual or extraordinary to affect the course of trade, or give to the importation of dutiable goods an unnatural increase.

Mr. W. said it ought further to be remarked, that the great excess of the revenue from customs over the gross expenditures of this year, notwithstanding the causes he had mentioned which conspired so vastly to increase the collections of revenue from this source, was to be accounted for in the fact that the payments towards the public debt, during the year 1833, were very trifling in amount, and far less than in any one of the sixteen years which had preceded it. The excess, therefore, was a result not only necessary but natural. Great accumulation from peculiar causes on the one side, and an almost entire failure to make payments upon our debt, from causes equally peculiar, but to which he would not now allude, on the other, could not fail to produce an apparent excess of revenue. If, however, gentlemen would take the trouble to compare the receipts and payments, and the revenue from customs of this with the next succeeding year, they would require no further explanation of the excess from customs in 1833. The accounts of 1834 will show that heavy payments were made during that year upon the national debt; indeed, that the balance of that debt, with exceptions wholly unimportant, was entirely paid off and discharged; and that the revenue from customs fell down to less than sixteen and a quarter millions, and left a deficiency in the revenue from this source, to meet the expenses of the year, of more than eight and a quarter millions of dollars.

The next year, and the only other one which presents an excess of the revenue from customs over the expenditures, is 1835. In reference to the small excess of this year of one and a half millions, two considerations only need be suggested. The first is, that the peculiar state of our relations with France during the last year, and especially during the last quarter of that year, gave just alarm to the commercial men of the country that disturbances might grow out of those relations, and that interruptions might be experienced in our commercial relations, growing out of these disturbances. Hence they were induced, towards the close of that year, to increase their importations to an almost unexampled extent. This single consideration is believed to have swelled the amount of revenue from customs, during the last year, much beyond the whole amount of the excess which appears. The second consideration referred to is, that the ordinary appropriation bill for the fortifications of the country failed to pass the two Houses of Congress during our last session, and, therefore, the expenses of 1835 were diminished by the usual amount of appropriations for those objects. Had that bill passed in the shape insisted upon by the House of Representatives, all know that the expenses of the year would have been increased much beyond the excess of the revenue from customs; and Mr. W. said he believed, had the bill passed as agreed to by the Senate, that excess would have been more than consumed by the expenditures it would have authorized.

After these considerations, he could not believe that the excesses in the revenue from customs, over the expenditures for the years 1833 and 1835, would be relied upon any where, or by any one, as evidence that the revenues from that source were more than equal to our current expenses.

The next inference he would draw from this comparison between the revenue from customs and the expenses of the Government was, that Congress had not, as has been often and broadly alleged, imposed duties without regard to revenue, or to the wants and liabilities of the Government. A very few suggestions, he thought, would make this position clear and indisputable.

From the existence of the Government until the year 1835, we had been in debt, and any amount of revenue, come from what source it might, after paying the ordinary appropriations, would be absorbed in payments upon that debt. Hence, duties had been imposed beyond the calls growing out of the ordinary expenses of the Government, and the surplus of revenue had been applied to the debt of the nation. As peculiar interests had, at certain periods, favored an increase of duties upon imports, the rates of duty may have gone, and at one period unquestionably did go, to an excessive height; but the revenues consequent upon this mistaken policy diminished the more rapidly the common debt, and thus hastened the time when high duties could find no favor, or even apology, with the people or with Congress.

Mark the sequel. The national debt was diminished with a rapidity theretofore unprecedented, during the years 1829, 1830, and 1831, and it became apparent, not only to every statesman, but to the whole country, that the period of its final extinction was near at hand. What was the course of the national Legislature? Immediately to revise and reduce the tariff. The very protracted session of Congress of 1831-'2 is not more fresh in the recollection of all than is the fact that a readjustment of the rates of duty upon imports, and a consequent reduction of the revenue from customs, was the principal if not the sole cause of the unusual length of that session. The result was the passage of the tariff act of 1832, to take effect on the 4th of March, 1833. Such, however, was the feeling of the country, that further legislation in the session of 1832-'3 was demanded of Congress, and the compromise act arrested and qualified the act of 1832, and provided for further and graduated reductions, under the distinct understanding that, upon the final payment of the national debt, the public revenues were to be reduced to the economical wants of the Government. The reduction was made as rapid as it was supposed the important interests connected with the subject would permit, while all expected that no very considerable accumulation in the treasury would be experienced under the operation of the law of 1833. It will hereafter be shown that these anticipations were entirely reasonable, and that their disappointment has proceeded from the unprecedented sales of the public lands within the last few years, and mostly within the last and the present year, and from no other cause of sufficient importance to deserve a notice in this view of the subject. These facts he held to be sufficient to show that the legislation of Congress, in regard to the revenue from customs, had been with peculiar reference to the wants of the public treasury, and had been intended to be measured by those wants.

The remaining inference from the comparison referred to is, that the revenue from customs is not, as at present regulated, more than sufficient to meet the ordinary expenses of the Government, and is not sufficient, unaided by the revenues from the public lands, to authorize any extraordinary appropriations for public defences of any description, naval or military.

The revenue from customs for the year 1834 has been shown to have been 16¼ millions, and that for 1835, 19⅜ millions, while the average expenditures of the Government for the same two years, separate from any payments upon the national debt, are proved to have been more than 18 millions; and it is worthy of repetition that in the expenditures of 1835 is not included any thing for the fortifications of the country, as the fortification bill of that year was lost between the two Houses of Congress.

It has further been attempted to be shown that the average annual expenditures of the Government, separate from any extraordinary appropriations for the public defence, cannot for the future be estimated at a less sum than 17 millions of dollars. Compare, then, the revenue from customs for the years 1834 and 1835, when the compromise bill fully regulated that revenue, with this estimate of expenditure, and see the result. The average of the revenue from that source for the two years is 17 4-5 millions, while it is shown that that revenue for 1835 was increased, by the apprehensions of a French war, from one to three millions. This will reduce the average of the two years, placing them upon the basis of ordinary and uninterrupted commercial intercourse, below the estimate for the ordinary expenses of the Government.

Connect with this view another important consideration growing out of the compromise act, which is, that at the commencement of the present year, a reduction in the rates of duty of 10 per cent. upon the existing rates took effect, which, by the lowest estimates, will reduce the revenue from customs a full million. Take, then, the year of excessive importations of 1835 as the rule, and the revenue from customs will exceed the amount estimated as required for the ordinary expenses of the Government by a sum too small to be made the dependence for any extraordinary appropriations. This inference, then, is fully sustained; and the revenue from customs at the present time is shown to be no more than equal to the ordinary expenses of the Government.

But the bill under consideration is prospective, and reaches forward in its action to the close of the year 1841. During this period, its construction, as given by its friends, charges the whole expenses of the land system upon the Treasury. It becomes important, therefore, to inquire what those expenses are, and probably may be. The mere expenses of the present system of sales will be omitted, and those of a more material character examined. What, then, are those expenses annually? The amount of money proposed to be appropriated by the bill making the regular annual Indian appropriations for the present year is $573,000, and the appropriations provided for in it, as will be seen by an examination of the bill, are in their character permanent, for a longer period than the prospective operation of this bill. The principal items are the payment of annuities, the support of farmers and mechanics, and other provisions stipulated by existing treaties to be made for the various Indian tribes. Nothing is included in this appropriation bill for the expenses of additional Indian treaties, for the removal of Indians, or for any other new expenditure under the head of the Indian department.

The expenses, therefore, of the purchase money to be paid to the Indians for lands, of the annuities stipulated by future treaties, of the making of such treaties, of the removal of the Indians from the lands purchased under them, and of all other things incident to our Indian affairs, and to the perfection of title and possession to the lands in the Government, remain to be provided for from revenues other than those derived from the lands on account of which the expenses are incurred. Our present policy is to expedite, to the utmost extent of our power, the extinction of the Indian title to all the lands east of the Mississippi, and the removal of the Indians west of that river. In pursuance of that policy, we are constantly making new purchases and new treaties, and the expenses of holding Indian treaties, and for the purchase money of new lands, are constantly and rapidly increasing. The expenses of the removal of the Indians from the lands, and of their subsistence west of the Mississippi, are necessarily increasing in the same ratio; and if these accumulated expenses are to be cast upon the Treasury, while the revenues from the sales of lands are to be subtracted from it, the consideration becomes one of serious import, whether the revenue from the customs, the only source of revenue remaining, when that from the lands shall be taken away, will sustain the Treasury against these accumulated calls, and how far this source of revenue will bear the reduction provided for by the compromise act, and still supply the Treasury.

It will not be forgotten that a reduction of ten per cent. in the revenue from customs took effect, by the provisions of that act, on the first day of the present year; that a further similar reduction is to take place on the first day of January, 1838; that a still further reduction of ten per cent. is to take place on the first day of January, in the year 1840; and that, at the close of the year 1841, every rate of duty then above twenty per cent. ad valorem is to be reduced to that rate, without regard to the amount of reduction. Mr. W. said he believed it was conceded on all hands that this last reduction alone would diminish the revenue from customs full five millions of dollars, beyond the intermediate and graduated reductions periodically provided for in the bill.

Mr. W. said he was aware he should be answered that, after the year 1841, the revenue from the lands was, by the provisions of the bill under discussion, to be restored to the Treasury. This answer was specious and plausible; but was it efficient and solid? Look at the comparison which had been made between the revenue from customs and the expenses of the Government, as both were shown to exist at the present time. The difference in favor of the revenue, if any thing, was too trifling to be made matter of account, while nothing was allowed for extraordinary appropriations for the defences of the country. Allow, then, for the reduction of 10 per cent. in that revenue for the present and the next year, and it will not meet the ordinary expenses at their present rates. Carry on the calculation until you reach two further similar reductions, and where is the Treasury to look for the means to answer the ordinary calls upon it? From whence are to be drawn the moneys to extend and complete our navy, to fortify our commercial towns, to defend our extensive coast, to garrison our Indian frontier, to arm our militia, and to perfect our other works of national defence projected and proposed by the executive departments of the Government? Could he be wrong in saying that the means for these expenditures would be wanting, and that these valuablie and most essential national objects could not be accomplished, in case this bill should become a law, and this branch of the public revenue should be diverted from the legitimate uses of the public Treasury?

To illustrate and demonstrate more clearly the soundness of this position, Mr. W. said he would review, in the most condensed manner possible, the revenue derived to the Treasury from the public lands, for the series of years covered by his former examinations, in reference to the expenses of the Government, and the revenues from customs. The statement had been derived from the Treasury Department, and was authentic. It was as follows:

Receipts into the Treasury from the sales of the public lands for the year		1817	$1,991,226 00
Do	do	1818	2,606,364 00
Do	do	1819	3,274,422 00
Do	do	1820	1,635,871 00
Do	do	1821	1,212,966 00
Do	do	1822	1,803,581 00
Do	do	1823	916,523 00
Do	do	1824	984,418 00
Do	do	1825	1,216,090 00
Do	do	1826	1,393,785 00
Do	do	1827	1,495,845 00
Do	do	1828	1,018,308 00
Do	do	1829	1,517,175 00
Do	do	1830	2,329,356 00
Do	do	1831	3,210,815 00
Do	do	1832	2,623,381 00
Do	do	1833	3,067,682 00
Receipts into the Treasury from the sales of the public lands for the year		1834	$4,887,600 00
Do	do.	1835	14,757,600 00

A slight examination of this statement will show the fluctuations in the sales of the public lands. The period embraced by the statement commences as the country was emerging from the embarrassments and derangements in its pecuniary affairs growing out of the then late war with Great Britain. In 1817, the receipts into the treasury were a trifle short of two millions; in 1818, more than two and a half millions; and in 1819, more than three millions. From this time to the year 1829, a term of ten years, the receipts from this source did not, in any one year, exceed, by any considerable amount, one million and a half, and in two of the years fell short of one million. In the year 1830, they rose to two and a quarter millions; in 1831, to about three and a quarter; and in 1832, fell back to about two and a half millions. With the year 1833 commenced the great increase of sales which have caused the principal accumulation of money in the treasury at this moment. During that year, the receipts into the treasury from the sales of lands were $3\frac{7}{8}$ millions, in 1834, $4\frac{4}{5}$ millions, and in 1835, $14\frac{3}{4}$ millions; almost ten millions beyond the receipt of any former year; a nett increase, in a single year, more than twice as large as the whole receipts of the most extravagant year which had preceded it.

Who, Mr. W. said he must ask, could expect a continuance of sales at this rate for any length of time? Who were the purchasers who had paid these immense amounts for the public domain in a single year? Settlers, actual settlers? No, sir, speculators; men who have purchased to sell to settlers; men who, before the present year shall close, will come into the market in competition with this Government, and take from it its customers. What lands, Mr. President, do these men purchase? Your very best and choicest lands. They purchase for speculation, and every consideration of inducement to the settler is fully regarded in their purchases: location, advantages of navigation, of water power, and of timber, are no less carefully secured than first qualities of soil. The Government sells lands for cash in advance only, and these purchasers will sell upon credit. How long will it be, with these advantages, before they will draw the emigration from the land offices of the Government to theirs, and take the market from us? Once taken away, it is impossible that we can recover it until these lands, purchased upon speculation, are fully settled, as we cannot hope to induce settlers to purchase inferior lands and pay the money in advance, while superior lands are offered to them upon credit. What, then, are we to expect from our revenue from the public lands, as soon as the present fever for speculation in them shall subside? Can we hope that those revenues, postponed until the year 1841, will compensate for the then reduced rates of the revenues from customs, and thus afford to the public treasury the means to meet the ordinary and extraordinary calls upon it? Mr. W. said it seemed to him most clear, that if the revenues from the public lands were diverted from the treasury for the period proposed by the bill, and the revenues from customs were reduced, as by the operation of the existing laws they must be reduced, both sources together would not, after the expiration of the year 1841, be equal to the wants of the public treasury.

That our country was rapidly increasing in population and extent, and consequently and proportionably in its ordinary expenditures, must be apparent to all; and that, with a fixed tariff, the revenue from customs might be expected to increase with the increase of expenses, would be equally apparent; but when our rates of duty upon imports were diminishing at a rate per cent. greater than the increase of our population and business, the dependence for means to supply the treasury upon that source of revenue must be destroyed, unless the revenues from it could now be shown very far to exceed the present wants of that treasury. This had not only not been shown, but he trusted the comparisons he had made between the revenues from customs and the expenses of the Government, for the last nineteen years, and more especially for the last two years, had clearly shown the reverse, and had proved to the satisfaction of the Senate that the present revenues from the customs were no more than equal to the ordinary expenses of the Government, without any extraordinary appropriations for any purposes whatsoever. Mr. W. said he felt bound to notice, in this place, that the revenues from the lands were, in this sense, a much more calculable dependence for the treasury than those from the customs. The receipts and expenditures from the former, the value of the lands being fixed by law, might be safely assumed to be regulated and graduated by the increase of population and business of the country, while the rates of duty which were to graduate the latter were periodically undergoing so rapid a reduction, and the free articles were increasing so vastly upon the dutiable articles in our importations, that very little certainty could be anticipated in calculations of the amount of revenue to be derived from the latter source. He would give the Senate the amount of free articles imported for the last four years, to show the immense changes which the present revenue laws had produced in our trade in reference to the revenues from customs:

In the year 1832, the importation of articles free of duty amounted to		-	$14,249,453
In the year 1833,	do.	do.	32,447,950
In the year 1834,	do.	do.	68,393,180
In the year 1835,	do.	do.	77,443,236

From this comparison it is seen that this description of importations has almost doubled, in each successive year, since the passage of the tariff act of 1832; and that, during the last two years, the value of the importations free of duty have been more than four times the value of the same articles imported in the two preceding years, and have come to exceed the whole value of dutiable importations.

Take away, then, from the public treasury the revenues received into it from the public lands, and, Mr. W. asked, who could tell how soon it would want means to meet the demands upon it? He called upon gentlemen, and especially upon the parties to the compromise act, to give their careful attention to this part of the argument. If revenue should be wanted, did those gentlemen doubt what course would be taken by Congress to raise it? Did they doubt that resort would be instantly made to an increase of the rates of duty upon imports? Was any one wild enough to suppose that a direct tax would be resorted to to supply the deficiency in the revenues, or that loans would be made upon the credit of the Government, and a new national debt be created for this purpose? He was sure no one who heard him could anticipate either of the last-mentioned modes of supplying the treasury; and an increase of the indirect taxation, by an increase of the customs, was the only remaining measure within the power of Congress. He must further caution gentlemen to remember that this was a mode of raising revenue not likely to be unpopular with a very large section, if not an entire majority, of the Union. He made this reference to peculiar local interests, not with pleasure, but with deep reluctance, and he could not be induced to do it from any other than a most lively conviction that the measure before the Senate was eminently calculated again, and that speedily, to revive agitations which had so recently shaken the country to an extent unknown to its former history, and had more strongly threatened the integrity and perpetuity of the Union than any other questions which had ever before occupied the attention of Congress. He must, therefore, again assure the friends of this bill that its passage, and the subtraction of this portion of the public revenues from the national treasury, would bring that treasury to want; and that, in that event, its wants would be supplied by an increase of the duties upon imports, an increased tariff.

To give greater force to this part of the argument, he would take another view of the probable revenue from customs in the year 1842, after the reductions provided for in the compromise act shall have been fully made. The importations of goods paying duties for the last four years have been as follows:

In the year 1832, the value of dutiable goods imported was	-	-	$68,000,000
In the year 1833,	do.	do.	63,000,000
In the year 1834,	do.	do.	47,000,000
In the year 1835,	do.	do.	66,000,000

These importations form an average of about sixty-one millions per annum. Suppose the increase of population and business by the year 1842 increases the amount of importations to seventy millions of goods paying duties; all duties are then to be reduced to the standard of twenty per cent. ad valorem, or under. This rate of duty upon seventy millions would be fourteen millions of revenue, in case all duties were at the maximum rate of twenty per cent.; but it must be borne in mind that the duty upon a large class of articles is now only twelve and a half and fifteen per cent.; and that, from that cause, the revenue to be derived from seventy millions in value of dutiable importations in 1842, if the present laws continue in operation, cannot be estimated at more than about $12,000,000. Compare this amount with the sum demanded for the ordinary expenses of the Government, and who will believe that the revenue from customs, at the period in contemplation, even with the then reduced revenue from the public lands added to it, will be equal to those expenses. Who does not see, if the present surplus in the treasury be given away to the States, and the revenue from the lands be taken from the treasury for six years to come, that the tariff must be raised, if not before the year 1842, at least as soon as the vast reduction of the present tariff, required to be made at the close of 1841, by the provisions of the compromise act, shall take effect? If figures and experience can be relied upon, such a result must follow the passage of this bill.

[Mr. Wright here gave way for a motion to adjourn, which prevailed.]

On the following day Mr. WRIGHT resumed his speech as follows:

Mr. W. said, when addressing the Senate yesterday, he had attempted to establish the propositions—

1. That the whole amount of "nett proceeds" of the public lands in the treasury on the 30th of September, 1825, could not, by the most extended and liberal calculation, equal $4,000,000, and was more truly but a trifle over $350,000; while the operation of this bill would be to distribute, "as nett proceeds" of the public lands, almost $18,000,000 of the money in the treasury on that day; thus, in fact, distributing from 14 to 17 millions of money not derived from lands, but from other sources of revenue.

2. That the revenue from customs, as ascertained from a comparison between that revenue and the expenses of the Government for the last nineteen years, and from an examination of the present revenue laws, and their influence upon the revenue to be collected under them, will only be equal to the ordinary expenses of the Government, and cannot bear any extraordinary appropriations for any branch of the public defences.

3. That this branch of the public revenue (the only source of revenue remaining to the treasury, if that from the lands shall be taken from it) will fall far short of meeting the ordinary expenses of the Government before the close of the year 1841, at which time the revenues from the public lands are again to be restored to the public treasury, because it is only equal now to those expenses, and, by the existing laws, is to undergo a reduction at about the rate of five per cent. per annnm until 1840, and at the close of the year 1841, an arbitrary reduction to 20 per cent. ad valorem of all duties above that rate.

4. That the restoration of the revenue from the public lands, at that period, will be wholly inadequate to supply the treasury, because the revenue from customs will be reduced to some twelve, or at most fourteen, millions, while the ordinary expenses will be about seventeen millions; and because, from the sales of all the valuable lands, the revenues from that source will be greatly diminished, if not reduced to the simple expenses incurred on account of the lands.

Mr. W. said, before proceeding with his argument further, he would notice two positions of the Senator from New Jersey, [Mr. SOUTHARD,] which had been presented by him in a new shape, as justifying two important provisions of this bill.

The first to which he alluded was the grant of 500,000 acres of land to certain of the new States the avails of which were to be expended in projects of internal improvement; and the reasons for the grant were said to be, that those States had exempted the public lands from taxation. This argument (Mr. W. said) he had always supposed was fully answered by the articles of compact which had accompanied the admission of those States into the Union. The five per cent. granted to the new States, out of the proceeds of the sales of lands within them, respectively, he had always understood was the equivalent for this exemption of the public domain from State taxation, and that it had been so accepted by those States in the compacts referred to. If he was correct in this understanding, he could not see why this further grant of half a million of acres of land to each was to be made upon that consideration. But the Senator further urged that this grant was to be justified upon the principle that the improvements to be made by the States, from the avails of the land, would enhance the value of the remaining lands, owned by the Government in each State, to an extent equal to the value of the 500,000 acres granted to make the improvements. This argument can avail little, unless the present minimum price of the public lands is to be raised. All the lands, after having been once offered at public sale, are subject to be taken by any purchaser at the price established by law of one dollar and a quarter per acre, and at that price they now sell with too great rapidity. Surely, then, it cannot be wise in Congress to make these immense grants with a view to enhance the value of the remaining lands, if it be designed to continue the sales at the present established price, because, however much the value of the lands may be increased by the operation, that value to the Government is not changed. The money to be paid for the lands will be the same without as with the improvements. Is it intended to raise the minimum price of the public lands? He supposed not. He had heard no friend of the bill avow such an intention, and he felt confident he should not hear any such purpose avowed, though he must say that many of the arguments in favor of the bill, as well as the one he was now considering, seemed to him to bear strongly in that direction.

The second consideration to which he referred was the Senator's defence of that provision of the bill which gives to each of the new States ten per cent. of the proceeds of the sales within them respectively, over and above their full shares of the balance, according to the rate of distribution adopted by the bill, as applicable to all the States. This was justified upon the ground of the rapid increase of population in these States since the last census, upon which the general distribution was to be made. It was not his object, Mr. W. said, to attempt to show that this provision would give too much to the new States, but that the rule assumed was arbitrary and unequal. He knew that some of the new States were increasing in population with wonderful rapidity, and he also supposed that some of the old States might not have any greater, and perhaps not as great a population now as in 1830. These would form the extremes, while other States, both old and new, were increasing at a rate which would form the mean between them. It could not, then, be equal or just to take from all the old States equally, or to give to all the new equally, on account of the increase or diminution of population since the last census, as all must see that the same ratio of increase or diminution will not be applicable to any two States, new or old. If a standard of distribution, different from that of the census of 1830, is to be taken, that standard ought to have reference to the actual population of all the States. It was a fact, unquestionable in his opinion, that some of the States, denominated old States by the classification made in the bill, had added more to their federal numbers, within the five years past, than many of the new States, and yet ten per cent. of the fund to be divided, and which is now the common property of all the States in precise proportion to their federal numbers, is to be taken from the former and given to the latter before a general distribution is made. It was not material to his purpose to attempt to show what States would lose or what ones would gain by this unequal and partial provision. It was enough to have shown that its application must and will be unequal, partial, and unjust, to establish the position that it cannot be a constitutional rule for the distribution of a common fund.

Mr. W. said he would notice here what he considered the most extravagant anticipations of the honorable Senator [Mr. SOUTHARD] as to the probable avails to the treasury from the public domain. He found he had misunderstood the Senator, and had supposed him even more extravagant in his anticipations than he really was; but he had been corrected, and still was compelled to think that the sum in fact assumed gave much stronger evidence of a free indulgence of a lively imagination, than of a familiarity with the facts upon which any conclusion should be founded. To test the correctness of his impressions he had resorted to facts, and proposed to lay them before the Senate almost without comment. The Senator had told us that the public lands were to bring into the national treasury one thousand two hundred and fifty millions of dollars. How much of this is imagination, and how much reality? The sales of the public lands, as a system, commenced in the year 1796. Up to the 30th day of September, 1835, thirty nine years and three quarters, the whole sum paid into the treasury from the sales of the public lands is fifty-eight and a half millions of dollars. What has been sold to produce this sum, and what calculations as to the product of future sales, can be safely made from our past experience?

There has been paid into the treasury, as the avails of sales of the public lands in the State of Ohio, from the commencement of the land system to the 30th of September last, - - -	$16,789,177
There remain to be sold in that State, subject to private entry, and not entered on the 30th of September last,	

4,310,366 acres, which, estimated at the minimum price, are worth - -	5,387,958
Making an aggregate value, for the public lands in Ohio, of - - -	$22,168,135

This estimate must be sufficiently accurate for so general a calculation, inasmuch as the fact that lands in that populous State remaining subject to be taken at the minimum price of the Government, and not taken, must go far to prove that their value in the market does not materially exceed that price.

Mr. W. said he would then make the State of Ohio, known to be one of the largest and most valuable in point of soil of the new Ssates, the basis of a calculation of value for a portion of the public domain.

The value of Ohio, as has been seen above, is - - - - -		$22,168,135
Assume that Indiana, Illinois, Missouri, Louisiana, Mississippi, Alabama, Michigan, Wisconsin, Arkansas, and Florida, are each to bring into the treasury, from the sales of the public lands, as much as is to be realized from those sales in the State of Ohio, and this will produce an aggregate of - - - - -		221,681,350
And will present a total value, for these seven new States and four large Territories, of - - - -		$243,849,485
Deduct, then, the amounts already received, as follows:		
From sales in Ohio, -	$16,780,177	
Do. Indiana, -	9,510,481	
Do. Illinois, -	5,355,611	
Do. Missouri, -	3,886,224	
Do. Louisiana, -	999,087	
Do. Mississippi, -	6,837,770	
Do. Alabama, -	10,097,347	
Do. Michigan, including Wisconsin,	3,959,896	
Do. Arkansas, -	636,642	
Do. Florida, -	556,283	
		$58,619,518
And there will remain to come into the public treasury, from the entire sales of these seven States and four Territories, the sum of - -		$185,229,967
The estimate of the Senator is -		$1,250,000,000
Take from it what remains to be received from the sales yet to be made in the country mentioned, - - - -		185,229,967
And there will remain a balance for the Senator to realize, from sources, Mr. W. said, to him unknown, of -		$1,064,770,033

So far facts might furnish us with some guides in reference to these swollen anticipations; and, Mr. W. said, he was sure that no one, not even the most sanguine and enthusiastic, would doubt that the calculation he had made was much more favorable to the treasury than future experience would realize. He did not himself believe that any single State or Territory he had named would bring into the treasury from the sales of lands an amount equal to the State of Ohio; but, however that might prove, all must know that no such amounts are to be expected from Louisiana or Florida, nor can any such amount be expected from the entire sales in Michigan. The estimate must be many millions beyond what can be reasonably anticipated; and yet that estimate, for the eleven large divisions of country, seven of which are now States, and the remaining four rapidly approaching that condition of political existence, falls short of one-fifth of the amount anticipated by the Senator to be brought into the treasury from the avails of the public domain. That he must have included in his flattering estimate the whole country guarantied by this Government to the Indian tribes west, and now daily moving west of the Mississippi, is most palpable; but that any reasonable estimate of that country, and of all the acres of the Rocky Mountains in addition, must have failed to produce his sum total, Mr. W. said, seemed to his mind equally palpable.

He would now proceed with his argument as originally intended, and would examine the surplus in the treasury, with the view of showing that the estimates of the friends of this bill in regard to it were about as extravagant as those of the honorable Senator from New Jersey [Mr. Southard] in reference to the proceeds of the public lands. The calls upon the Treasury Department for the balance of moneys in the treasury had been frequent, and he thought he might say, at least, monthly, since the commencement of the present session of Congress. The last had been received at too late a period to be yet printed and laid upon the tables of the Senators, and was a call for the balance as existing on the first day of the present month. The amount as given by the Secretary of the Treasury was, according to his best recollection, between 31 and 32 millions; but, as he had not the report to refer to, he would assume it to be 32 millions.

It should now be distinctly impressed upon the attention of the Senate and the country, that this amount is not the surplus in the treasury, but the whole amount of money in the treasury for any purpose of the Government. It should also be equally strongly impressed upon the minds of all, and most especially of ourselves, that of all the appropriations of the year, which, at the ordinary rates, have been shown to amount to an average of from seventeen to eighteen millions of dollars annually, those for the pay of Congress, for the pensions, and partial appropriations for the Indian war in Florida, are all that have yet passed and become laws. How are we, then, to tell what portion of this amount of money is surplus, and what is required for the expenses of the Government? Mr. W. said he knew but one mode of making even an estimate upon this point. Wishing, so far as it was possible, to deal with facts in relation to this whole subject, he had resorted to that mode, and had examined, with considerable labor and care, the entire files of bills which had been reported to the two Houses of Congress by their respective standing committees; selecting from each file bills of a public character only, and ascertaining the sums the several committees had recommended for appropriations for the public service. To protect himself from any charge or suspicion of unfairness in this examination, he felt bound to give to the Senate, in substance, the title of each bill he had included in the statement, that all might judge whether he had mistaken the character of the appropriations he had called public. The list was as follows:

Bills on the files of the House of Representatives.

Bill No. 51. Appropriations for support of Government.
53. Naval appropriation bill.
54. Ordinary fortification bill.
55. Army bill.
69. Expenses of Indian war in Florida.
70. Ordinary appropriations for the Indian department.

Bill No. 97. Clerks in the office of the quartermaster general.
100. The erection of a marine hospital at Baltimore.
101. The erection of a marine hospital at Portland, Maine.
105. Clerks in the engineer department.
142. Erection of custom-houses at Gloucester and Plymouth.
143. Arrears of pay to the inspector general.
154. To improve the harbor at St. Louis, Mo.
174. To continue the Cumberland road from Vandalia to the Mississippi river.
175. To continue the Cumberland road from the Mississippi river to Jefferson city.
192. To erect a marine hospital at Wilmington, Delaware.
201. To purchase sites and commence new fortifications.
203. For the navy yard at Charleston, South Carolina.
215. Expenses of the Indian war in Florida; 2d bill.
216. Civil and diplomatic expenses for 1836.
217. Outfit to charge d'affaires at Prussia.
225. Prize money to the captors of the frigate Philadelphia.
234. Compensation to Commodore Barron for use of patent.
254. Erection of new treasury building.
259. Annual appropriations for the Military Academy.
268. Salary of the judge of the orphans' court, Washington.
272. Arrears of pay to General Macomb.
273. Compensation for Indian depredations.
279. To pay the Connecticut militia in service during the late war.
307. Appropriations for harbors already commenced.
321. Compensation to the heirs of Marshal Rochambeau.
323. For making and improving roads.
325. For repairing and improving the public buildings and grounds in Washington.
332. For the care and preservation of the Potomac bridge.
348. To refund certain duties on a Belgian vessel.
352. To make good the depreciations to the Rhode Island brigade of the revolutionary army.
363. For the erection of light-houses, light-boats, beacons, and buoys, and for the survey of certain rivers and harbors.
374. To construct an arsenal in the State of North Carolina.
376. For the purchase of Bell's patent for elevating and pointing cannon.
375. For the erection of an armory on the western waters.
377. For the purchase of Hall's patent for rifles.
406. For the better protection of the western frontier.
415. To remove a bar at the mouth of the Mississippi river.
418. To remove a bar at the entrance of Pensacola bay, and for constructing a hydraulic dock or inclined plane at that place.
427. Further appropriation for the Indian war in Florida; 3d bill.
431. To construct a road from Milwaukie to the Mississippi river.
Bill No. 432. To improve the mail road from Louisville to St. Louis.
446. To erect a marine hospital at New Orleans.
454. To provide for additional clerks in the Departments.
457. For the better defence of the Arkansas frontier.
483. To construct a road from Helena to Jackson, in Arkansas.
485. To improve the navigation of certain rivers.
492. To try experiments as to Brown's fireship.
518. To erect a marine hospital at Newport, Rhode Island.
523. To commence the improvement of harbors for which no appropriations have been heretofore made.
538. For repairs to the wharves and the erection of a new public store at Staten Island, New York.

Bills on the files of the Senate.

Bill No. 12. To improve the navigation of the Wabash river.
32. To increase the pay of the clerks in the Navy Department.
52. To open roads in Arkansas.
63. To complete the road from Lime Creek to the Chattahoochie.
81. For the support of the penitentiary at Washington.
82. To construct roads in Florida.
98. To purchase Boyd Reilly's patent for vapor bath.
112. For the relief of the cities of Washington, Alexandria, and Georgetown.
131. Pay of Missouri militia in the Black Hawk war.
135. To pay the passage of General Lafayette from France.
142. To erect a depot of arms on the western frontier of Missouri.
146. To complete improvements already commenced upon certain roads and rivers in Florida.
211. To construct certain roads in Arkansas.

Mr. W. said the House bills above enumerated were fifty-six, and proposed to appropriate the gross sum of $23,212,854

The number of Senate bills brought into the statement was thirteen, which proposed to appropriate the gross sum of - 2,456,785

Since this statement had been prepared, the general navy appropriation bill, sent from the House, had been reported to the Senate by the Committee on Naval Affairs of this body, with recommendations of amendments, adding to the amount originally proposed by the committee of the House, to be appropriated by the bill, the sum of - - - - - 1,845,407

Thus showing an aggregate of appropriations of a public character, recommended by the proper standing committees of the two Houses of Congress, and, if made, to be taken from the moneys in the treasury, of - - - - $27,515,046

Mr. W. said he must so far explain these statements as to say that the file of bills of the House was first examined, and the list of bills of a public character prepared; that, upon the subsequent examination of the Senate file, a very large number of similar bills for the same objects, and of the same purport and amount, were found upon that file; that all such duplicate bills had been rejected from the statement, which accounted for the very small number of bills embraced as Senate bills, and the very small comparative amount of appropriations recommended by the committees of the Senate. Had the bills upon that file been first examined, and the duplicates upon the House file been rejected, the apparent recommendations, with the exception of the ordinary annual appropriation bills, which always originate in the House, would have been substantially reversed. It had required much care to avoid embracing the same appropriation twice, in consequence of the duplicate reports in the respective Houses; but as the examination had been made by himself personally, he spoke with great confidence, when he said that no instance would be found in which this had been done, although a similarity of titles in one or two cases might lead to that suspicion.

Let us, then, (said Mr. W.,) state the account with the Treasury, and see what surplus we have which is not called for by the wants of the federal Government. He had, he said, assumed the amount of money in the treasury to be

assumed the amount of money in the treasury to be - - - - -	$32,000,000
Deduct the appropriations before mentioned, some of which had in fact been made and all of which had been distinctly recommended by the proper standing committees of one or both Houses of Congress,	27,515,046
And there will remain in the treasury an apparent surplus of - - - -	$4,484,954

This would be the state of the treasury upon the supposition that the appropriations proposed by the bills which had been enumerated, and no other, should be made during the present session of Congress.

Mr. W. said he did not intend to be understood as expressing the opinion that all the bills he had enumerated would pass, and much less that no appropriations other than those contained in those bills would be made. The above was the result upon that supposition; but while he did not expect that result would be exactly realized in that way, there were strong grounds for believing that a result not more favorable to the treasury, and to a surplus for distribution, ought to be produced, and would be produced, by the action of Congress during its present session. The grounds for this belief it would be his next duty to give to the Senate. The whole number of bills upon the House file when he made the examination was 554, of which the statement he had made embraced but 56, leaving 498 of those bills not embraced in the estimate of appropriations. The whole number of bills upon the Senate file at the same time was 221, of which but 13 were named, leaving 203 of those bills out of the estimate. Every member of the Senate would well know, what every other person who would take the trouble to examine the bills before the two Houses of Congress at any session might see, that more than ninety in one hundred of all those bills propose an appropriation of money to a greater or less extent. Here, then, were 775 bills, 69 of which recommended the appropriation of more than 27½ millions of dollars, and the appropriations covered by the remaining 706 were not estimated at all, but were known to be, at least nine-tenths of them, bills proposing to appropriate money, and in amounts varying from the very smallest sums to hundreds of thousands of dollars. Some of them (Mr. W. said) were entirely public in their character, but did not specify the sums they proposed to appropriate. Of these he would particularly refer to the following:

Bills upon the file of the House of Representatives.

Bill No. 104.	For the increase of the engineer corps.
Bill No. 142.	Proposes to erect custom-houses at forty different ports.
208.	To put into active service all the vessels of war in ordinary and upon the stocks.
212.	Proposes to extend the present pension laws to all who served for three months in the war of the Revolution, and to the widows of such deceased pensioners as were the wives of the pensioners at the time the service was performed.
297.	Provides for the payment of the Connecticut militia who were in service during the late war, with interest upon their respective claims from the time of the service.
385.	Directs the survey of certain roads, rivers, &c.
427.	Extends to the widows and orphans of militia killed in service, dying in service or on their return home, or from wounds received while in service, the half pay for five years allowed by the existing laws to regulars serving in the infantry.
459.	To extend and repair the arsenal at Charleston, S. C.
469.	Reorganizes the General Land Office, and extends the force employed in it.
474.	To authorize a surveying district west of Lake Michigan.
542.	To remit or refund the duties upon the goods burned at the late conflagration in New York.

Bills upon the file of the Senate.

Bill No. 33.	Arrears of pay to Commodore Hull.
37.	To establish a surveyor general's office for the State of Illinois.
52.	To increase the corps of topographical engineers.
70.	Payment to the heirs of General Eaton.
100.	To pay the Vermont militia who served at Plattsburg.
113.	To purchase the stock of the Louisville and Portland canal.
185.	To add three regiments to the army of the United States.
220.	To provide moral and religious instruction for the army.

Here (Mr. W. said) were nineteen of the seven hundred and six bills not included in the estimate, because they did not name the sums which would be required to carry them into operation; but the slightest examination of the titles only will satisfy every one that these nineteen bills alone, were they to become laws, would require more money from the public treasury than the whole balance above shown to remain, after deducting the amount proposed to be specifically appropriated by the sixty-nine bills before enumerated. He was aware it might be said that these bills would not become laws, and he did not pretend to assume that all of them would, although he believed several of them had passed the one or the other House of Congress during the present session. What he intended to say was, that they were bills of a public character, that their passage had been recommended by the appropriate committees of Congress, and that, to that extent, they were to be considered as calls which might probably be made upon the treasury, and which ought, at the least, to be considered before we came to the conclusion that we have millions of money, which is not called for by any wants of the Government, and which we must give away to get rid of it.

Mr. W. said it would probably still be contended that so many of the bills to which he had referred would fail to pass and become laws, that, after a deduction of the amounts appropriated by all which would pass, there would remain a large amount of money in the treasury unappropriated. In reply to any such suggestions, he must call to the recollection of the Senate some other facts, directly and importantly affecting the moneys in the treasury. There is a constant heavy balance of outstanding appropriations, which form a direct lien upon that money. The amount of these appropriations on the first of January last was, according to his present recollection, not less than seven millions, and probably at this moment cannot be less than five millions of dollars.

The three bills which have already passed, making appropriations to defray the expenses of the Indian war in Florida, have, taken together, appropriated but $1,620,000, while it is estimated that that war, if now terminated, will cost the Treasury full five millions of dollars. Here, therefore, are at least three and a half millions, which will be wanted, and must be had during the current year, no part of which is embraced in any of the bills which have been mentioned.

After deducting all the bills upon the files of the two Houses which have been particularly named, eighty-eight in number, there will remain six hundred and eighty-seven bills, nearly all of which propose to appropriate money. Mr. W. said he would not attempt to estimate the amount; but all would admit that many of those bills were to pass, and that the amount of money which would be appropriated by those which should become laws would be large.

There was another very important item of probable appropriation, which he was bound to notice in this place, but of which the rules of the Senate did not permit him, at present, to speak in so intelligible a manner as he could wish. He supposed, however, he might say he referred to certain Indian treaties now before this body, two of which, if confirmed by the Senate, as he believed they ought to be, and hoped they would be, would require payment from the Treasury of at least seven millions of dollars. The Senate would understand, from this reference, the particular subjects to which he alluded.

It seemed to be conceded by all, that the great work of national defence, in all its branches, ought to command the peculiar attention of Congress during its present session. In the public bills to which he had referred, very limited appropriations for any of these objects were proposed. In the bill proposing appropriations for the navy, nothing was embraced for an accelerated increase of our naval force, for the procuring of additional materials, the construction of additional ships of war, or the arming, equipping, and putting into actual service, those now partially completed, beyond the ordinary annual appropriations for those objects. One bill, proposing to appropriate about two and a half millions for new fortifications, was the principal, if not the only extraordinary appropriation included under that head. There were not included any appropriations for the erection of new arsenals, except in one single instance, or any appropriations for arms and ordnance beyond the ordinary appropriations for those objects.

He must ask the friends of the bill to look at these facts, at the public wants developed in their exhibition, and to compare the condition of the Treasury and its means, abundant as they choose to consider those means, with these public calls, and then to say how this bill is to be executed and the public wants answered.

The balance in the treasury, at the close of the first quarter of the present year, at the very highest estimate from the proper Department, was less than -	$32,000,000
We have then seen public appropriations, recommended by the committees of Congress, amounting to more than	27,500,000
Leaving a surplus at this time of less than	$4,500,000

We then find nineteen public bills, which, if passed into laws, will require millions to carry them into execution; a regular amount of outstanding appropriations of from five to seven millions of dollars; the expenses of the Florida war not yet provided for, amounting to at least three and a half millions; the large number of six hundred and eighty-seven bills upon the files of the two Houses of Congress, not included in the above estimate of those bills, and almost all of them proposing appropriations of money; provisions for Indian treaties requiring, at least, seven millions; the increased appropriations for the public defence beyond the partial ones made in the bills enumerated. Take, then, the bill before the Senate, which proposes to distribute the proceeds of the public lands from the commencement of the year 1833, onward. Those proceeds received into the Treasury up to the 30th of September, 1835, have been shown to be a very trifle short of eighteen millions of dollars. It is now ascertained by reports from the Treasury Department, that the receipts into the Treasury from the lands for the last quarter of 1835 and the first quarter of the present year will amount to full ten millions of dollars. Pass this bill, then, and see the effect. The money in the treasury on the first of the present month,

was about - - - - - - - -	$32,000,000
The money to be distributed under this bill, up to the same date, is about -	28,000,000
Leaving on that day in the treasury, to be applied to all the objects of appropriations which have been before examined, about - - - - - - - - - -	$4,000,000

Mr. W. said we should be told here that the revenues of the year were to be received, and would be applicable to, and sufficient for, these appropriations. How is the fact? The receipts for the first quarter of the year are included in the above balance of moneys in the treasury on the first day of the present month. The revenue from the pubilc lands, if this bill passes, is to be reserved for distribution, and is not applicable to any other appropriations. The means of the treasury will then be the four millions remaining in it as above shown, and the revenue from customs for the last three quarters of the year. Suppose that revenue to equal the highest estimates of the friends of the bill, and to be five millions per quarter, or fifteen millions for the last three quarters of 1836, we shall then have nineteen millions for the service of the present year for all purposes, ordinary and extraordinary—a sum just about equal, or exceeding by one million only, the average ordinary expenses of the Government for the last two years. With what rapidity can the public defences be prosecuted with a fund of one million per annum?

Mr. W. said it would be asked, what shall be done with the large amount of money in the deposite banks, if this bill be not passed, and that money distributed to the States? For himself, he was ready to answer. He would appropriate for the wants of the Government, and especially for the public defences of every description, and in every quarter, all that can be economically and profitably expended, and the balance, whatever it may be, he would invest in securities, the payment of which, with interest, is guarantied by some one of the States. In that way he would preserve whatever surplus revenue there may be for the present, and would not give it away until time had been allowed to complete the permanent defences of the nation, and to see, from the practical operation of our present revenue laws, whether any surplus would remain after these heavy expenditures shall have been incurred.

Mr. W. said a very brief notice of two other suggestions should relieve the Senate from his very tedious remarks.

The first suggestion to which he referred was the probable effect upon the States of this Union of dividing to them the revenues of the national treasury, from whatever source the revenue to be divided may have been derived. Our system is complex, and a full and independent preservation of all its parts is indispensable to its healthful action. The federal Government is but the agent, the organ of the States—is constituted by them, and without their concurrence, countenance, and support, cannot exist. Still it is, for some purposes, superior to the Governments of the States, and, within its sphere, its action, if coming in collision with the action of the State Governments, is to prevail. How important, then, that it should be the constant care and interest of the respective States to keep this Government most strictly within the sphere marked out and prescribed by the constitution of the Union. And what will more strongly tend to change the feelings of the States, to put to sleep their watchfulness, and care, and jealousy, of the powers of this Government, than to accustom them to depend upon its treasury, or its taxing power, for the means of their support, of their internal improvements, of their general education and the like? He did not intend to express distrust of the patriotism of the States; he certainly did not feel any such distrust; but is there not danger, great danger, in this blending of Government interests between the nation and the States? Is there not danger that such a disposition of the national treasure may make taxation popular? We must not forget that we are the representatives of the States; that their will is, or should be, the law for our government in our seats here. May not the distribution of millions from the national treasury excite expectations of future bounty, which will induce the States to undertake works of internal improvement requiring years for their completion, and means far beyond those now in our treasury to meet the expenditures? May not the anticipations thus excited of future dividends be disappointed, and the necessity be thus produced of raising additional revenues for the uses of the States, either by themselves or by us? In such a state of things, where would taxation be likely to fall? Would the Legislatures of the States impose direct taxes upon their immediate constituents, or would they, much more probably, instruct their agents and representatives here to raise, by the indirect taxation within the power of this Government, the revenues the States require? May not a condition of things of this description render taxation here popular at home, and thus convert this Government into a mere power to raise revenue for the expenditure of the State Governments, until either the independence of the State Governments is merged in their dependence upon the federal Government for money, or until the unequal action of such a system shall break our bond of union, and thus destroy the power which oppresses one portion for the benefit of another portion of its common citizens, possessing a common right to its protecting care?

May there not be danger, also, that the institutions of this Government will be suffered to languish; that the proper appropriations for their support will be withheld; that the army will be neglected; the navy destroyed; the fortifications discontinued; and even the civil and judicial departments be insufficiently sustained; that the fund to be distributed may be enlarged?

Mr. W. said he must say he felt great danger in this view of the action of this bill. His apprehension arose from no ungenerous distrust of the patriotism of the States, but from a full and perfect knowledge that our local interests, in the different sections of the Union, conflict with each other, and that no system of taxation which can or will be adopted for purposes such as he had indicated will act equally upon all the States.

The other suggestion (Mr. W. said) which he proposed to make was in relation to that provision of the bill which declares that the distribution under it to the States shall cease, in case the country shall be involved in a foreign war. It was worthy of remark, preliminarily, that this provision excluded those wars to which we were more peculiarly and constantly exposed—the wars with the Indians within the limits of the States and upon our borders. Whatever may be the expenses of those wars in future, the distribution provided for is to continue, and the expenses of such wars are to be charged upon revenues to be derived from sources other than the public lands. What would be the effect of this provision upon the States, in case just cause of war with a foreign Power should arise? Would it be the expression of an unjust suspicion of their patriotism, to say that they would find, in the action of this bill, a direct temptation to resist any such war? It was most apparent that war must, at all times, embarrass the commerce and business of the people of the States; and if, in addition to these objections to a state of war, their dividends from the national treasury, rendered more necessary in time of war, were to be suspended by the occurrence of war, was it wrong to suppose that this principle of distribution, accompanied by such a condition, might induce them to resist a declaration of war, even at the hazard of the interest and the honor of the nation? Mr. W. said he feared the action of the bill in this respect, and, if the distribution must take place, he would prefer that this condition should not be retained, but that the whole subject should be left open for the future action of Congress, whenever any emergency shall arise calling for a change.

THURSDAY, APRIL 21.

LAND BILL.

The bill to appropriate, for a limited time, the nett proceeds of the sales of the public lands among the States, and for granting lands to certain States, was taken up as the special order.

Mr. WRIGHT resumed and concluded his speech, begun yesterday, in opposition to the bill, as given entire in preceding pages.

Mr. CRITTENDEN then rose and addressed the Senate in support of the bill. He referred to the resolutions he had laid on the table a few days ago passed by the Legislature of Kentucky, instructing her Senators to use their exertions in favor of this measure; and in addressing the Senate on this occasion, he acted, he said, in obedience to the dictates of a sense of duty as well as in conformity with his own wishes and opinions. Mr. C. first endeavored to show, taking into view the manner in which the United States came into the possession of the public lands, and the tenure by which they were held, the perfect competence of the Government to dispose of them as contemplated by the bill. He reviewed the various arguments of Mr. WRIGHT, and contended, in opposition to that gentleman, that the nett proceeds of the land sales were not liable to the offsets that had been charged against them; that the thirty millions expended for the purchase of Louisiana and Florida could not justly be charged against the land sales, as the sovereignty over that vast and wealthy Territory was of incalculably more value than the sum paid for it; and that the revenues that had been derived from the customs at New Orleans alone were sufficient to demonstrate the absurdity of such an offset; and, further, that to charge these lands with the cost of our Indian wars was equally out of the question, as there would have been Indians on our frontiers to create disturbances, whether these Territories had been purchased or not. He contended that all the expenses incurred for the purchase, for the surveys of the lands, and for Indian wars, had been more than recompensed by the consequences of these purchases. Mr. C., after entering into calculations to show the large surplus that must remain in the treasury after paying the expenses of the current year, and the necessity there was for devising some mode of safely disposing of it, took a view of the objects to which it had been proposed to appropriate it, entering very extensively into the subject of the proposed fortifications on the seaboard. He was much opposed to the extensive system of fortifications contemplated by the bill of the Senator from Missouri, believing that they were not necessary for the defence of the country, and that the inevitable consequences of having such extensive fortifications would be the creation of a standing army. He would much rather rely for the defence of the country on its increased strength and powerful resources, together with the courage and patriotism of our citizens. So powerful had our nation become, such was its wealth and resources, and such the courage and patriotism of our citizens, that he was certain that no invading army that landed on our coasts would ever get back to tell the reception they met with. He believed that we might safely permit any invader to land without molestation on our coasts, for he was confident of our ability to destroy them as soon as they landed. Besides, he thought an invading army would act very unwisely to go out of its way to attack one of these fortifications. Mr. C., in conclusion, spoke of the great advantages that would accrue from distributing this fund among the States, and the danger of its remaining in the treasury, encouraging schemes of extravagance and prodigality.

Mr. BENTON withdrew his amendment, on which the question was pending, as he did not wish to take the question on it in the absence of his colleague, who was absent in consequence of sickness in his family, in order to make way for other amendments that might be offered.

Mr. WALKER then submitted the following amendment, to come in as an additional section:

And be it further enacted, That, from and after the passage of this act, all the lands of the United States which have been offered at public sale to the highest bidder, and which have remained unsold for fifteen years or upwards after said offer at public sale, shall be subject to sale at private entry at the rate of twenty-five cents per acre; those lands which have been offered in like manner under ten and less than fifteen years, at the rate of fifty cents; and those offered and remain unsold five years and less than ten years, at the rate of seventy-five cents per acre: *Provided*, No person under the provisions of this act shall be authorized or permitted to enter, at the prices specified by this act, more than 160 acres, or quarter section, in subdivisions not less than a quarter-quarter section, in his or her own name, or in the name of any other person, for his or her own use, and in no case, unless he or she intends it for settlement or cultivation, or the use of his or her improvement; and the person applying to make any entry under this act shall file his or her affidavit, with such regulations as the Secretary of the Treasury shall prescribe, that he or she makes the entry in his or her own name, for his own benefit, and not in trust for another: *And provided, also*, That no patent shall issue to any person making said entry until three years thereafter; and that any sale, contract for sale, lease, or contract for lease, of said lands so entered under the provisions of this act, which may be made prior to the emanation of the patent, shall be utterly null and void, and shall operate as a forfeiture of the title to the United States.

Mr. CLAY said it was his wish, during the progress of the bill, to ask the indulgence of the Senate to hear him on its general merits; but he had risen now to speak to the amendment offered by the Senator from Mississippi, [Mr. WALKER.] The amendment was a principle of graduation by which, after the lapse of a period of years, the public lands were to be reduced to a very low price. The immediate effect would be to put these lands in the State of Ohio down to twenty-five cents per acre; and in Michigan they would be reduced to fifty cents. In Ohio, sales were now rapidly going on at the minimum price; and if the system was not disturbed it would, in the course of the year, produce two millions of dollars. Anxious as he was, after four years' reflection, he was so far opposed to the introduction of this graduating principle, that he would rather see the bill itself defeated than to see it pass into a law with it incorporated in it; and he would say, if altered at all, it would be much better to increase than diminish the price of the land. They ought to conduct the business of the United States the same as individuals conduct their concerns. In the State of Ohio there was more land sold than in any other State in the Union; which, he said, grew out of a dense and increasing population. This graduation system must be supported on the ground that the progress of the sales was too slow, or that they were not settling fast enough. These lands were bringing in so much now, there was no necessity of a reduction in price. There was, in fact, a general impression in both branches of Congress that they were selling too rapidly, and investing the proceeds in an unsafe medium. There was no want of stimulus to induce the settlement of the new States; and this reduction was not necessary or required as an incentive to emigration.

Mr. C. read extracts from a publication exhibiting a statement of the state of population in the new States, to show their annual increase from 1820 to 1830. Illinois had increased eighteen and a half per cent. per annum, Alabama fourteen, Indiana thirteen and a third, Missouri eleven, Mississippi upwards of eight, Ohio six, and Louisiana four per cent. per annum; whereas Delaware had increased but a half per cent. per annum. The average rate of increase of the whole population of the United States during that period was about thirty-two per cent., which was exceeded by Illinois at the average rate of one hundred and fifty-three per cent., (her average being one hundred and eighty-five per cent.,) and by Alabama one hundred per cent., and by Louisiana, the lowest, eight per cent. The average of the seventeen old States was twenty-five per cent., and the new States sixty per cent. more than that amount. There was, therefore, no new impulse necessary to induce emigration to the new States.

He knew the ideas of the Senator from Mississippi [Mr. WALKER] were in favor of the settlers. He (Mr. C.) had had some experience in this matter of pre-emption rights of settlers in his own and the adjoining State of Tennessee. The inhabitants there, at an early day, had tried the graduating system of settling some on one hundred acre tracts, some on four hundeed, and some on one thousand acre tracts, and except in the case of the late Governor Shelby, he and his colleague could not recollect an instance of the original settler remaining on the land under this system; and so careful was the law in regard to them, that they were designated by the term bonafide actual settlers. They began the reduction of the price with eighty cents, and got down eventually to five cents per acre. And with regard to its being a law for the benefit of settlers, the title of the bill ought to have been changed to a bill for the benefit of speculators. They were bought up by persons who would move on to them with their property and a number of negroes. They would send out Tom to make a settlement in one place, Dick to another, Jim to another, and Harry to another, and so on; and in registering the names of the settlers they found it necessary to put down the surnames of the settlers; and as Tom, Dick, Jim, and Harry, had no surnames, they put them down Tom Black, Dick Black, Jim Black, and Harry Black. And when he (Mr. C.) was in the Legislature of Kentucky, he said, it was an old saying, that murder would out, and that by reversing these names, as was done in indexing, they would find these settlers to be no other than Black Tom, Black Dick, Black Jim, and Black Harry, (laughter.) The rich from Philadelphia, New York, &c., would employ persons to make settlements on them, and instead of their falling into the hands of the poor settlers, they fell into the hands of the wealthy. What was there, then, for the security of the country, that the settler took the land as a bonafide settler, except making an affidavit? and affidavits of that kind should not be encouraged. The man who regarded the obligation of an oath would refuse to take it, while the less scrupulous would not hesitate to do it with an improper design.

Mr. C. spoke of the soundness of the present system of disposing of the public lands. Fortunes were now daily making under it, and this was, therefore, not the time to reduce the price of them. The Senator from New York had spoken of the laage amount of purchases, and the small proportion of the lands purchased that were owned by bonafide settlers; and have we not reason to believe (said Mr. C.) that our own money has been used to make these speculating purchases, and then returned again to the deposite banks? By this dangerous, ruinous system of graduation, these speculators would exact more exorbitant prices from the real bonafide emigrant than he pays now; and there never was a more inauspicious time to admit the principle of graduation than the present. He admitted there might be land not worth twenty-five cents an acre, or even the taxes. They would do wrong, then, to tempt a poor emigrant to settle upon this poor land when there was better. And why, said he, make it applicable to all the States, while in some States there was not an acre that was not arable? In the State of Ohio the sales were more rapid, and the poor land much greater in proportion than in the other western States. The price was low enough, and every man who wished could buy a good tract, and purchase from a parental seller, instead of the speculator. Let us, then, (said Mr. C.,) not adopt a system that cuts down all your lands in the State of Ohio, at one single blow, to twenty-five cents an acre; but let us continue to pursue the course our fathers have pointed out.

After Mr. Clay concluded,

The bill from the House making appropriations for the civil and diplomatic expenses of the Government for the year 1836, was read twice and referred to the Committee on Finance.

Mr. GRUNDY rose to correct some representations made yesterday, no doubt by mistake, by the Senator from New Jersey, [Mr. Southard,] in relation to the Union Bank in the State of Tennessee, and exhibited official statements from the Treasury Department to show the error into which that Senator had fallen; and also to show the entire solvency and ability of that bank to meet its engagements. He explained the manner in which he supposed he had fallen into the error, by showing facts in relation to resources of the bank which he could not have been aware of. He felt it his duty, in justice to the bank, to make this correction.

The Senate then adjourned.

Friday, April 22.

COLONELS BOND AND DOUGLASS.

The bill for the relief of the legal representatives of the widows of Colonel William Bond and Colonel William Douglass, of the revolutionary army, deceased, came up on its third reading; when

Mr. HILL said that most questions having a direct political bearing produced in this body long and animated discussions. Subjects having no connexion with the proper business of legislation, agitating subjects, are here introduced, and debated for weeks. Yet when bills are proposed, taking from the treasury thousands, and tens and even hundreds of thousands, for the benefit of individuals, there seems to be a perfect lassitude, an almost entire indifference. The debating gentlemen, who speak to the galleries, are still on these occasions; and who else than those who can secure the applause of the galleries will feel free to discuss questions on this floor? It is a most unwelcome task to oppose claims, even the claims that have not a scintilla of foundation, on the floor of Congress. To be popular in the District of Columbia, no man in Congress can be permitted to raise his voice against claimants, who come here and make it the interest of those who reside here to help them through.

There are hundreds of claims in bills before Congress that ought not to be allowed; yet how few of these, when they come to be passed on, are even understood by a majority of those who pass on them! If the allowance of these claims went for the benefit of the persons in whose favor they purport to be, the injustice to the public who pay them would not be so flagrant. They generally go for the benefit of speculators, who purchase them for a trifle, or else cheat the nominal claimant of the whole amount. I am informed that a subclerk in another part of this Capitol is now and has been extensively concerned in these claims; that his practice has been to hunt up from the files of Congress old claims that have many years since been decided against, or laid aside as hopeless, and in the recess to take journeys in differents parts of the country and seek for powers of attorney to prosecute them before Congress. His charge for services, when he cannot buy the claim for a trifle, is never below twenty-five per cent. of the whole amount recovered. His situation as a sub-clerk enables him to place his claims in a most favorable position. I have seen, while on the Committee of Revolutionary Claims, elaborate statements and reports, in favor of the claims, setting forth in the most glowing colors the services or the sufferings of the persons in whose names the claim is preferred, which statements and reports, having very little evidence to sustain them, were in the hand-writing of the clerk, and evidently drawn up, not by the committee, but by him who was interested in prosecuting them. I will confess that when I first discovered the practices in relation to claims prosecuted here, it was not without surprise; but an experience of five years in Congress has taught me to be no longer surprised at any thing which is occurring. The management of the claim prosecutors, of those, I mean, who have long successfully carried on the business, is most adroit. They press nothing hard till near the close of the session; and when this period arrives, when there is not time left to discuss or inquire into any thing, and when the bars and gates are for the moment left open, the claims pass through both Houses of Congress in floods.

The two bills, having relation to what are called the commutation claims of the Revolution, which were ordered to a third reading on Thursday, and one of which has just now been read, if passed, will establish precedents which will throw a burden on the Treasury of at least ten times the amount of all the surplus now in the treasury. It seems strange to me that, generally, those gentlemen most anxious to dissipate at a single blow twenty-seven millions of money now in the treasury, by a distribution among the States, should almost always be on the side of claims presented here. If the minority shall have a direct interest to throw the administration into a state of embarrassment by voting more money to be expended than the treasury possesses, the majority must have an interest to prevent that state of things.

One of the two commutation claims allows commutation to a surgeon's mate of the revolutionary army. Over and over again has it been decided that surgeon's mates were not included in any resolution of the old Congress granting commutation. I was not a little surprised to hear it announced by the Senator from Virginia [Mr. Leigh] that the Committee on Revolutionary Claims are now unanimous in favor of allowing commutation to surgeon's mates. And the reason offered by the Senator for making this allowance was most singular. Other officers, less exposed than surgeon's mates being expressly named in the resolutions, were allowed commutation; therefore surgeon's mates ought to be allowed commutation. This might have been a good argument for the foundation of a bargain to be made with surgeon's mates at the time the service was performed; but it seems to be too late for the United States to volunteer such an argument as this for the purpose of getting rid of some of its surplus funds fifty years after the account for service has been settled and paid. Were not the soldiers of the Revolution as much exposed in the service as the officers? And if the argument of exposure be a good one as applied to the surgeon's mate, will it not be equally legitimate as applied to the poor soldiers? Are they not equally entitled to commutation pay? The Senator from Maine, [Mr. Shepley,] of those who were disposed to go to the bottom in investigating these commutation claims, is yet left on the Committee of Revolutionary Claims; is it possible that he makes one of the committee which now unites in this after legislation in favor of surgeon's mates? If so, I can only say, "Ephraim is joined to idols; let him alone."

The other commutation claim is for interest on a former allowance to the heirs of two revolutionary officers, by the names of Bond and Douglass, who died while in commission, and one of them, I believe, before he had entered the service. This is one of the numerous cases hunted out of the files of Congress by the individual to whom I have alluded, and in which a former Clerk of the House of Representatives appeared as the agent. When the first allowance was made, the name of another officer (Holmes) was included in the allowance of commutation; that name was stricken out of the bill, because, by the merest chance, it was found that the commutation had been paid. The state of the case was this: It was found that a few officers, having color of claim to commutation pay, were not included in the resolutions; and their case was brought before Congress for special allowance. A bill was reported; and, after a long discussion, the names of Bond, Douglass, and Holmes, were stricken out, as not coming within the spirit of the resolutions, while others were retained. These old proceedings on the files rested for some forty years. The heirs of the deceased officers would probably never have thought of applying for commutation, had not the cases been hunted out of the files by persons in the employ of Congress. After some discussion, a majority of the committee of the Senate took a different view of the evidence from that previously taken by Congress, and agreed to report the bill, simply allowing commutation without interest, which passed. Having thus succeeded in procuring the principal of what might always be considered a doubtful claim, the agents now follow up with the claim for interest, amounting to two or three times as much as the original commutation—probably from ten to twenty thousand dollars in each case. If interest shall now be allowed on this claim, there is no claim which has ever been presented and allowed which cannot claim interest; and hundreds of millions of money will be still due to those who have been liberally paid by the Government for the services they have rendered.

It is worthy of remark, that these claims for commutation, which come in upon us as a flood, had quietly rested for nearly half a century, and were never thought of until the pension law of 1828 had passed. It is a fact that not only the officers and their heirs who were entitled to commutation, and had received it, but such as were not entitled to it, and never expected it, in different sections of the country, have been written to by persons offering to act as agents to prosecute and recover their claims. The Senator from Virginia, [Mr. Tyler,] who has recently resigned his seat, had presented many petitions for commutation during the present session, some of which I know had been repeatedly decided against by former committees of the Senate. I know not whether these petitions have or have not been disposed of by the committee. Since the immense grants of land scrip that have passed to Virginia officers, there seems to be a general idea that every officer who has obtained the land is entitled to commutation also; and it would seem as if every man, woman, and child, in Virginia, who had a male ancestor (whether whig or tory) living in the time of the Revolution, would suppose that ancestor to be an officer, and to be entitled both to land and to commutation.

The truth probably is, that there are not half a dozen officers on the rolls of the Revolution who were entitled to commutation, who did not receive it nearly half a century prior to the presentation of these claims. If they did not receive it, the fault was not with the Government. Every officer living, and the heirs of every officer deceased, knew when such officer was entitled to the pay, and received it according to the terms of the several resolutions of Congress. After the revolutionary claims had been barred by a law of limitation, the time was more than once extended by Congress, until, probably, not a single bonafide claim was left. And now, if, in consequence of casualty or mistake, any case remains, is there any obligation of the nation to pay any thing beyond the principal? It would seem that the public generosity never can satisfy those who have been most liberally dealt with. The allowance of commutation pay in the cases of Bond and Douglass, first made, was a stretch of generosity far beyond what would be expected in any case between individuals; and now to come in for a claim of interest, equal to twice or thrice the amount at first granted, almost exceeds the presumption of the sturdy beggar who, because you have given him a dinner, claims the perpetual right to feed from your table, without so much as an offer of thanks for your generosity.

Mr. CLAY said the Senator from New Hampshire [Mr. Hill] had been here five years; and was it possible that, within that period, one little clerk was the only corrupt officer he had found in the Government? He thought, if he would look into the Post Office and other Departments, he would find many more instances of corruption. That Senator and himself had went together in opposition to the mints; and he wished he might signalize himself by one more vote with him on the distribution of the surplus, instead of leaving it to be eaten up by the rats, or squandered away by the industry of the clerks.

Mr. **HILL** would cheerfully go with the Senator from Kentucky in voting for the distribution of the surplus revenue, if he could be convinced there would be any surplus to be distributed after the proper appropriations had passed, and he could do it without violating his conscience in regard to constitutional difficulties. He was fearful, however, that the gentleman [Mr. Clay] did not always vote as patriotically as he preached. He was willing to go as far as the Senator from Kentucky, or any other, in ferreting out corruptions. He had no claims to eloquence, and therefore would acknowledge his inferiority, as a public speaker, to the Senator from Kentucky.

Mr. **CLAY** said the gentleman [Mr. Hill] had done himself great injustice when he acknowledged his inferiority in public speaking; for he (Mr. C.) liked his extemporaneous speaking better than the speeches he read. There was great point, and even eloquence, in it. The gentleman had pledged himself to go for this measure of distributing the surplus revenue, in case he could be satisfied there were surplus funds to distribute, and he could get over his constitutional difficulties. He (Mr. C.) promised him that he could, when he took up that subject, show there were no constitutional difficulties, and that there were twenty-seven millions to distribute.

Mr. **HILL** said it was evident that the right of those persons to commutation was not perfect until after the passage of the bill. Their failure in 1792 to establish it left them without remedy. If they were included under the resolution, there was no necessity for any law; and if they established the precedent of allowing interest, they would bring in all the pensioners who were stricken from the list under the law of 1818.

Mr. **CALHOUN**, after some remarks against the bill, said he did not see why the Senate should be so very particular about these small matters, when their attention was so little directed to the millions of money in the deposite banks, independent of the seven millions of stock in the Bank of the United States, and the money arising from the Chickasaw purchase. He wished the hundredth part of the zeal was directed to these large items, while the country was on the brink of ruin, that there was to small matters. He hoped the money of the Government would be taken out of the hands of these public plunderers, and that Congress would not adjourn till it made an equitable disposition of it.

Mr. **LEIGH** said if he had any zeal in this matter, it was founded on justice; and in a matter of this kind, although it was small, he would measure out justice in the same manner he would in any tribunal or court of justice, to the last farthing.

[Mr. Calhoun said he had no personal reference to the Senator from Virginia.]

Mr. L. then went into an argument of some length in favor of the justice of the claim.

Mr. **BUCHANAN** was against establishing a precedent for the payment of interest. It was but seldom he concurred in opinion with the Senator from South Carolina, [Mr. Calhoun,] and, as they coincided now on this bill, it gave him pleasure to state that concurrence. But, in regard to our being on the brink of ruin, two years ago it was stated we were on the brink of ruin, because there was no money in the treasury; and now, because we had an overflowing treasury, we are said to be on the brink of ruin; and when the distribution of the surplus fund was made, which he believed would be done before the session closed, he expected, in two or three years more, they should hear we were again on the brink of ruin, because it had been distributed.

After some further remarks from Messrs. **SHEPLEY, WALKER, WHITE, KING** of Alabama, **DAVIS**, and **PRENTISS**,

The question was then taken on the final passage of the bill, and it was passed: Yeas 22, nays 21, as follows:

Yeas—Messrs. Crittenden, Davis, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Preston, Rives, Robbins, Shepley, Southard, Tomlinson, Webster, White—22.

Nays—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clay, Cuthbert, Ewing of Ohio, Grundy, Hill, King of Alabama, King of Georgia, Morris, Niles, Prentiss, Robinson, Ruggles, Swift, Tipton, Walker, Wright—21.

LAND BILL.

The bill to appropriate, for a limited time, the nett proceeds of the sales of the public lands among the States, and to grant lands to certain States, came up as the special order, the question being on Mr. Walker's amendment.

Mr. **WALKER** then addressed the Senate in favor of the amendment.

The question was taken on Mr. Walker's amendment, and it was lost: Yeas 9, nays 26, as follows:

Yeas—Messrs. Benton, Black, King of Alabama, Moore, Morris, Nicholas, Robinson, Ruggles, Walker--9.

Nays—Messrs. Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, Leigh, McKean, Naudain, Niles, Porter, Prentiss, Robbins, Shepley, Southard, Swift, Tomlinson, Wall, White—26.

Mr. **BENTON** submitted the following amendment, which was ordered to be printed:

To come in after the words "nett proceeds"--

"which nett proceeds shall be ascertained to be the balance which remains, after deducting from the gross proceeds all expenses for the year on account of public lands, to wit:

1. Appropriations for the General Land Office.
2. Appropriations for the surveyor general's offices.
3. Appropriations for surveying public lands.
4. Appropriations for salaries and commissions to registers and receivers.
5. Appropriations for annuities to Indians on account of the purchase of lands.
6. Appropriations for holding treaties for the purchase of lands.
7. Appropriations for amounts paid within the year for the extinction of Indian titles.
8. Appropriations for removing Indians from the lands purchased from them.
9. Appropriations for the five per centum allowed by compact to the States in which the lands lie."

Mr. **ROBINSON** also informally offered the following amendment for the consideration of the Senate, which was laid on the table:

Sec. --. *And be it further enacted*, That all lands belonging to the United States, which have been, or hereafter may be, subject to entry at private sale for twenty years and upwards, and have not been sold, shall hereafter be sold at one dollar per acre, and at a reduction in price of ten per centum every five years, until the price of such lands be reduced to fifty cents per acre.

The Senate then adjourned.

Saturday, April 23.

SPECIE PAYMENTS.

The following resolution, submitted yesterday by Mr. Benton, was taken up for consideration:

"*Resolved*, That, from and after the —— day of ——, in the year 1836, nothing but gold and silver ought to be received in payment for the public lands; and that the Committee on the Public Lands be instructed to report a bill accordingly."

Mr. BENTON addressed the Senate in favor of the resolution. He was opposed to a national currency of paper, and in favor of disconnecting the federal Treasury from paper money as expeditiously as it could be done without injury to the public. At present he limited himself to one branch of the revenue, the public lands; and, for strong and peculiar reasons, wished to begin with hard-money payments in that branch. The state of the paper system, the impossibility of regulating it in its application to lands, and the mischiefs which were now resulting to the federal Treasury, to the currency of the new States, and to the settlers and cultivators who wished to purchase lands for use, imperiously required a remedy; and a cessation to receive paper money for land was an obvious and certain remedy for a part of these evils.

The state of the paper system was now hideous and appalling, and those who did not mean to suffer by its catastrophe should fly from its embraces. According to a report made in the House of Representatives by the select committee, of which Mr. Gillet, of New York, was the chairman, the present number of chartered banks and their branches in the United States could not be less than seven hundred and fifty, their chartered capitals not less 300,000,000, and their chartered rights to issue paper money extended to $750,000,000! Mr. B. repeated this statement; and, dwelling upon the last sum, (the $750,000,000 of paper money,) he said it was enough to make the spirits of the dead start from their graves! the spirits, he meant, of those dead patriots who, having seen the evils of paper money, and being determined to free their country from such evils in all future time, took care, by a constitutional enactment, to make gold and silver the only currency of the constitution, and the only tender in payment of debts.

Having stated the number of the banks, their vast nominal capital, their unlimited real power to cover the country with paper, the great amount of their paper issues, five of them alone having increased their circulation fifteen millions in about a year, and reminding the Senate that the business of chartering banks was in full progress in many of the States, Mr. B. looked to the state of the connexion between this wilderness of banks and the federal Treasury. This connexion, he said, depended, in point of law, upon the joint resolution of 1816, which, in addition to specie and the notes of the Bank of the United State, gave authority, by implication, to receive the notes of all specie paying banks in payment of public dues. This was the law; the practice under it he would state presently, and would show that no practice under it, with the multitudes of banks now existing, could be safe for the country, or free from the danger of irretrievably entangling the federal Government with the ups and downs of the whole paper system, and all the fluctuations, convulsions, and disasters, to which it was subject. But before he did this, he would say that the joint resolution of 1816 was a wise and laudable act at the time it was passed, and made a great step at that time towards the improvement of the currency. The currency of the country, especially of the whole South and West, was at that time paper, and not only paper, but inconvertible paper; the banks which issued it not paying specie, and the holder being obliged to sell his notes at 10, 15, or 20 per cent. discount, if he wished to get hard money for them. The whole community was submitting to the imposition of using this paper, and the federal Treasury with the rest. The joint resolution of 1816 was passed, and fixed a limited time, less than a year, within which no notes but those of specie paying banks should be receivable for public dues. The effect was immediate and magical, and showed how completely the federal Government had the paper currency under its power, and could control it if it would only use that power. Before the day limited there was a general resumption of specie payments, which, with some exceptions, has continued ever since.

The joint resolution of 1816 was then wise and laudable when passed; but the advance which the paper system has since made, and is still making, entirely changes the effect of that resolution. There are no longer any non-specie paying banks whose notes will be received either by the federal Treasury or by individuals; and there 750 specie paying banks, with a constant increase of their number, whose notes may be received by the federal Treasury. In point of law, all these banks are equal; they all have an equal right to be received in federal payments; but, in point of fact, they are not all admitted; and here the practical difficulties begin to present themselves. To receive the paper of all these banks would be to fill the treasury in a very short time with some tens of millions of unavailable funds; to discriminate between them, to receive some and reject others, would be to exercise a power which might lead to favoritism, undue influence, partiality, and injustice, and might invest some man, or some body of men, with a dangerous power over the paper currency. The first question would be, who shall make the discrimination? And the practical answer would probably be, that the deposite banks, for the time being, from 1816 to the present time, have been the practical arbiters of the receivability of State bank paper. These banks, it is presumed, have been required to receive no paper but that which they could credit as specie to the United States; and while this gave them an option which seems naturally to belong to the obligation of paying all the Government demands in specie, yet it had the effect of devolving the power of regulating the paper currency upon banking institutions, formerly the Bank of the United States, and at present upon the three dozen banks which are the depositories of the public moneys. Mr. B. objected to devolving this power upon banks. It was a most responsible and dangerous power, liable to abuse and to great mischief, from indiscretion as well as design. In the first place, there could be no system; for each of the thirty-six banks would decide for itself what should be received and what should have the high character of land office or custom-house money. In the next place, there could be no permanency in the receivability of any particular paper. The deposite bank could make and break its arrangements at pleasure; and what was land office money or custom-house money on one day, might cease to be so on the next, and the public not be able to see any reason for the change, and which change might subject individuals to great loss and imposition. In the third place, the best banks of the country might be capriciously excluded, while insignificant ones might be invested with all the advantages of supplying a federal currency; and, in the present multitude of thirty-six banks, to decide each for itself on the paper of seven hundred and fifty banks, perhaps many of them as good as the deposite banks, it was impossible to get along without complaints and dissatisfaction, and much possible injustice to banks as well as injury to individuals. The next tribunal to decide, Mr. B. would assume to be the Secretary of the Treasury himself; but this would only be an arbiter in name; the Secretary would have to decide according to the representations of members of Congress, and these members would have to act upon the importunity and representation of the petitioning banks; so that there would be no real arbiter, and no real responsibility; and, besides, he (Mr. B.) was not willing to invest any officer whatever with the power of regulating the paper currency, and giving to what notes he pleased a circulation coextensive with the Union, by ordering them to be received in payment of public dues. The third tribunal was the Congress itself; and this would be found to be no tribunal at all, as every member would take care to have the banks in his own district admitted to all the advantages which were granted to any other; and thus the whole would be admitted without discrimination.

Mr. B. saw insuperable difficulties in the detail as well as in the principle of this question. The federal Government can create a national paper currency by giving receivability to bank paper; it can deluge any new State with bank paper from any other State, by making it receivable for public lands. It can give a State paper currency to a State in spite of itself; in Missouri, for example, where the Legislature has refused to charter a bank from a just and laudable antipathy to a paper currency, and where the federal Government receives paper money for its lands, and thus gives currency to that paper; thus counteracting the policy of the State, and introducing strange and foreign notes into circulation, to the diminution of gold and silver.

Taking the fact as it now existed, and, Mr. B. said, it was clear that the deposite banks, each for itself, was the regulator of the paper currency, and the arbiter of what might and might not be received in payment of public dues, and what was the result? Why, that the whole paper system had run wild. Bank charters were granted for millions; paper issues to exceed all bounds; loans to any amount to any body to speculate, in reality to gamble in stocks, public lands, and what not, until the public treasury is filled to distension with bank paper. The effect of all this uncontrolled state of the paper system has been most signally manifested in the public lands, where the sales have increased from four millions per annum to five millions per quarter, causing the treasury to be filled with paper, the Congress to be harassed with projects for getting rid of surpluses, while the new States have been overrun with speculators bidding up the lands against cultivators and settlers, and introducing myriads of strange notes into places where they were wholly unknown.

Mr. B. said he was able to inform the Senate how it happened that the sales of the public lands had deceived all calculations, and run up from four millions a year to five millions a quarter; it was this: speculators went to banks, borrowed five, ten, twenty, fifty thousand dollars in paper, in small notes, usually under twenty dollars, and engaged to carry off these notes to a great distance, sometimes five hundred or a thousand miles, and there laid them out for public lands. Being land office money, they would circulate in the country; many of these small notes would never return at all, and their loss would be a clear gain to the bank; others would not return for a long time; and the bank would draw interest on them for years before they had to redeem them. Thus speculators, loaded with paper, would outbid settlers and cultivators, who had no undue accommodations from banks, and who had nothing but specie to give for lands, or the notes which were its real equivalent. Mr. B. said that, living in a new State, it came within his knowledge to know that such accommodations as he had mentioned were the main cause of the excessive sales which had taken place in the public lands, and that the effect was equally injurious to every interest concerned, except the banks and the speculators; it was injurious to the treasury, which was filling up with paper; to the new States, which were flooded with paper; and to settlers and cultivators, who were outbid by speculators, loaded with this borrowed paper. A return to specie payments for lands is the remedy for all these evils.

It would put an end to every complaint now connected with the subject, and have a beneficial effect upon every public and private interest. Upon the federal Government its effect would be to check the unnatural sale of the public lands to speculators for paper; it would throw the speculators out of market, limit the sales to settlers and cultivators, stop the swelling increases of paper surpluses in the treasury, put an end to all projects for disposing of surpluses, and relieve all anxiety for the fate of the public moneys in the deposite banks. Upon the new States, where the public lands are situated, its effects would be most auspicious. It would stop the flood of paper with which they are inundated, and bring in a steady stream of gold and silver in its place. It would give them a hard-money currency, and especially a share of the gold currency; for every emigrant could then carry gold to the country. Upon the settler and cultivator who wished to purchase land its effect would be peculiarly advantageous. He would be relieved from the competition of speculators; he would not have to contend with those who received undue accommodations at banks, and came to the land offices loaded with bank notes which they had borrowed upon condition of carrying them far away, and turning them loose where many would be lost, and never get back to the bank that issued them. All these and many other good effects would thus be produced, and no hardship or evil of any kind could accrue; for the settler and cultivator who wishes to buy land for use, or for a settlement for his children, or to increase his farm, would have no difficulty in getting hard money to make his purchase. He has no undue accommodations from banks. He has no paper but what is good; such as he can readily convert into specie. To him the exaction of specie payments from all purchasers would be a rule of equality, which would enable him to purchase what he needs without competition with fictitious and borrowed capital.

Mr. B. considered that the return to hard money for the payment of the public lands was the only thing that could give permanency, uniformity, and equality, to what is called land office money. It was of the greatest moment to the people of the new States that they should know what was, and what was not, receivable for public lands, and that what was once fixed should remain stable. They were subject to too many losses and impositions from instability in the receivability of different kinds of paper. They never knew any thing about changes until they are made. When a citizen with much trouble has collected what is land office money today, he may find to-morrow that it is changed, or, at the moment of carrying it to the land office, he may find it rejected, and himself thrown upon the tender mercies of a shaver to procure, at a new sacrifice, what the receiver can accept. Since the adoption of the amendment, which he had the honor to offer, restricting the use of paper in payments from the Government, it followed, as a necessary consequence, that there must be corresponding restrictions upon the receipt of it. That amendment made four important improvements in the federal use of paper money: 1. In prohibiting, forthwith, the use of notes of less than $10 in all payments from the federal Government or the Post Office. 2. In prohibiting the use of notes of less than $20 in such payments from the 3d of March next. 3. In prohibiting the use, in like payments, of all notes whatever, which were issued at one place and made payable at another. 4. In prohibiting the use of all notes, in such payments, which were not equivalent to specie at the place where offered in payment, and convertible into gold or silver on the spot at the will of the holder, and without loss or delay to him. Under these enactments Mr. B. considered the federal Government and the Post Office as virtually confined to specie payments; they will have then to confine themselves to specie receipts. Whether Congress made a further enactment or not, the Treasury and the Postmaster General would have to impose restrictions upon the receipt of paper corresponding with the restrictions upon the payments in it. He (Mr. B.) was certain that the payments upon the western frontier must be made in specie. There was not a bank note in the United States which could be offered in the West. There was not one which would come under the restrictions which the enactment imposed. The effect of the enactment was to prevent bank notes from being offered in payment except at the place where the bank was situated which had issued it. Such was the effect of the enactment, and such was its intention; for it was intended to lay the foundation for completely breaking up paper money as a national currency; for completely cutting off paper from the federal Government; for completely returning to the currency of the constitution for the federal Government; in a word, for re-establishing the gold currency! which never could be done if the federal Government continued to receive and pay out paper money.

Mr. B. considered the proposition which he had made as another step towards the consummation of the great object of securing to the people a specie currency. It would effectually accomplish that purpose for the new States, and the extension of the same provision to the custom-houses and post offices would secure a specie currency to the old States. Whether his proposition became law or not, it must take effect. The Secretary of the Treasury would have to do by regulation what he proposed that Congress should do by law. The obligation to pay out in hard money involves the necessity to receive in hard money; and he was only anxious about his proposition, as he preferred stability to change, legislation to regulation, and the will of Congress to the will of the deposite banks or of a Secretary of the Treasury.

Mr. **WEBSTER** said that he and those who acted with him would be justified in taking no active course in regard to this resolution, in sitting still, suppressing their surprise and astonishment if they could, and letting these schemes and projects take the form of such laws as their projectors might propose.

We are powerless now, and can do nothing. All these measures affecting the currency of the country and the security of the public treasure we have resisted since 1832. We have done so unsuccessfully. We struggled for the recharter of the Bank of the United States in 1832. The utility of such an institution had been proved by forty years' experience. We struggled against the removal of the deposites. That act, as we thought, was a direct usurpation of power. We strove against the experiment, and all in vain. Our opinions were disregarded, our warnings neglected, and we are now in no degree responsible for the mischiefs which are but too likely to ensue.

Who (said Mr. W.) will look with the perception of an intelligent, and the candor of an honest man, upon the present condition of our finances and currency, and say that this want of credit and confidence which is so general, and which, it is possible, may, ere long, overspread the land with bankruptcies and distress, has not flowed directly from those measures, the adoption of which we so strenuously resisted, and the folly of which men of all parties, however reluctantly, will soon be brought to acknowledge? The truth of this assertion was palpable and resistless.

What, sir, are the precise evils under which the finances of the Government, and, he believed, of the country, now suffer? They are obviously two: the superabundance of the treasury and its insecurity. We have more money than we need; and that money, not being in custody under any law, and being in hands over which we have no control, is threatened with danger. Now, sir, is it not manifest that these evils flow directly from measures of Government which some of us have zealously resisted? May not each be traced to its distinct source? There would have been no surplus in the treasury but for the veto of the land bill, so called, of 1833. This is certain. And as to the security of the public money, it would have been at this moment entirely safe, but for the veto of the act continuing the bank charter. Both these measures had received the sanction of Congress by clear and large majorities. They were both negatived; the reign of experiments, schemes, and projects, commenced, and here we are. Every thing that is now amiss in our financial concerns is the direct consequence of extraordinary exertions of executive authority. This assertion does not rest on general reasoning. Facts prove it. One veto has deprived the Government of a safe custody for the public moneys, and another veto has caused their present augmentation.

What, sir, are the evils which are distracting our financial operations? They are obviously two. The public money was not safe; it was protected by no law. The treasury was overflowing. There was more money than we needed. The currency was unsound. Credit had been diminished and confidence destroyed. And what did these two evils, the insecurity of the public money and its abundance, result from? They referred directly back to the two celebrated experiments; the veto of the bank bill, followed by the removal of the deposites, and the rejection of the land bill. No man doubted that the public money would have remained safe in the bank of the United States if the executive veto of 1832 had not disturbed it.

It was that veto also which, by discontinuing the national bank, removed the great and salutary check to the immoderate issue of paper money, and encouraged the creation of so many State banks. This was another of the products of that veto. This is as plain as that. The rejection of the land bill of 1833, by depriving the country of a proper, necessary, and equal distribution of the surplus fund, had produced this redundancy in the treasury. If the wisdom of Congress had been trusted, the country would not have been plunged into its present difficulties. They devised the only means by which the peace and prosperity of the people could have been secured. They passed the bank charter; it was negatived They passed the land bill, and it met the same fate. This extraordinary exercise of power, in these two instances, has produced an exactly corresponding mischief in each case, upon the subjects to which it was applied. Its application to the bill providing for the recharter of the Bank of the United States has been followed by the present insecurity of the public treasure, and a superabundance of money not wanted has been the consequence of its application to the land bill.

The country (continued Mr. W.) is the victim of schemes, projects, and reckless experiments. We are wiser, or we think ourselves so, than those who have gone before us. Experience cannot teach us. We cannot let well enough alone. The experience of forty years was insufficient to settle the question whether a national bank was useful or not; and forty years' practice of the Government could not decide whether it was constitutional or not. And it is worthy of all consideration that undue power has been claimed by the Executive. One thing is certain, and that is, there has been a constant and corresponding endeavor to diminish the constitutional power of Congress. The bank charter was negatived, because Congress had no power under the constitution to grant it; and yet, though Congress had no authority to create a national bank, the Executive at once exercised the power to select and appoint as many banks as he pleased, and to place the public moneys in their hands on just such terms and conditions as he pleased.

There is not a more palpable evidence of the constant bias of this Government to a wrong tendency, than this continued attempt to make legislative power yield to that of the Executive. The restriction of the just authority of Congress is followed in every case by the increase of the power of the Executive. What was it that caused the destruction of the United States Bank, and put the whole moneyed power of the country into the hands of one man? Constitutional doubts of the power of Congress! What has produced this superabundance of money in the Treasury? Constitutional doubts of the power of Congress! In the whole history of this administration, doctrines had obtained, whose direct tendency was to detract from the settled and long-practised power of Congress, and to give, in full measure, hand over hand, every thing into the control of the Executive. Did gentlemen wish him to exemplify the truth of this? Let them look at the bank bill, the land bill, and the various bills which have been negatived respecting internal improvements.

Gentlemen now speak of returning to a specie basis. Did any man suppose it practicable? The resolution now under consideration contemplated that, after the current year, all payments for the public lands were to be made in specie. Now, if he (Mr. W.) had brought forward a proposition like this, he would at once have been accused of being opposed to the settlement of the new States. It would have been urged that speculators and capitalists could easily carry gold and silver to the West, by sea or land, while the cultivator, who wished to purchase a small farm, would be compelled to give the former his own price for the land, because he could visit large cities, or other places where it was to be found, and procure the specie. These arguments would have met him, he was sure, had he introduced a measure like this. If specie payments were to be made for public dues, he should suppose it best to begin with the customs, which were payable in large cities, where gold and silver could be more easily procured than on the frontiers. But whether from speculators, or settlers, what was the use of these specie payments? The money was dragged over the mountains to be dragged back again: that was all. The purchaser of public lands would buy gold by bills on the eastern cities; it would go across the country in panniers or wagons; the land office would send it back again by the return carriage, and thus create the useless expense of transportation.

He had from the very first looked upon all these schemes as totally idle and illusory; not in accordance with the practice of other nations, or suited to our own policy, or our own active condition. But the effect of this resolution: what would it be? Let them try it. Let them go on. Let them add to the catalogue of projects. Let them cause every man in the West, who has a five dollar bank note in his pocket, to set off, post haste, to the bank, lest somebody else should get there before, and get out all the money, and then buy land. How long would the western banks stand this? Yet, if gentlemen please, let them go on. I shall dissent; I shall protest; I shall speak my opinions; but I shall still say, go on, gentlemen, and let us see the upshot of your experimental policy.

The currency of the country was, to a great degree, in the power of all the banking companies in the great cities. He was as much opposed to the increase of these institutions as any one; but the evil had begun, and could not be resisted. What one State does, another will do also. Danger and misfortunes appear to be threatening the currency of the country; and although the constitution gives the control over it to Congress, yet Congress is allowed to do nothing. Congress, and not the States, had the coining power; yet the States issue paper as a substitute for coin, and Congress is not supposed to be able to regulate, control, or redeem it. We have the sole power over the currency; but we possess no means of exercising that power. Congress can create no bank, regulated by law, but the Executive can appoint twenty or fifty banks, without any law whatever. A very peculiar state of things exists in this country at this moment—a country in the highest state of prosperity; more bountifully blest by Providence in all things than any other nation on earth, and yet in the midst of great pecuniary distress, its finances deranged, and an increasing want of confidence felt in its circulation. But the experiment was to cure all this. A few select and favorite banks were to give us a secure currency, one better and more practically beneficial than that of the United States Bank. And here is the result, or, rather, to use the expression of Monsieur Talleyrand, here is "the beginning of the end."

We were told that these banks would do as well, if not a great deal better, for all the purposes of exchange, than the United States Bank; that they could negotiate as cheaply and with as much safety; and yet the rate is now one and a half, if not two per cent. between Cincinnati and New York. Indeed, exchanges are all deranged, and in confusion. Sometimes they are at high rates, both ways, between two points. Looking, then, to the state of the currency, the insecurity of the public money, and the rates of exchange, let me ask any honest and intelligent man, of whatever party, what has been the result of these experiments? Does any gentleman still doubt? Let him look to the disclosures made by the circular of one of the deposite banks of Ohio, which was read by an honorable Senator here a day or two since. That bank would not receive the notes of the specie paying banks of that State from the land office, as I understand the circular, or, at any rate, it tells the land office that it will not. Here are thirty or forty specie paying banks in Ohio, all of good credit, and out of the whole number three were to be selected, entitled to no more confidence than the others, whose notes were to be taken for public lands. If gentlemen from the West and Southwest are satisfied with this arrangement, I certainly commend greatly their quiescent temperament.

As he said in the commencement of his remarks, he knew of nothing he could do in regard to the resolution except to sit still and see how far gentlemen would go, and what this state of things would end in. Here was this vast surplus revenue under no control whatever, and, from appearances, though the session was nearly over, likely to remain so. Two measures of the highest importance had been proposed: one to diminish this fund; another to secure its safety. He wished to understand, and the country to know, whether any thing was to be done with either of these propositions. For his own part, he believed that a national bank was the only security for the national treasure; but, as there was no such institution, a more extended use should be made of this treasure, and in its distribution no preference should be given, as was the fact in the instance of the banks of Ohio, to which he had just alluded. In some way or other this fund must be distributed. It is absolutely necessary. The provisions of the land bill seemed to him eminently calculated to effect this object; but if that measure should not be adopted, he would give his vote to any proper and equitable measure which might be brought forward, let it come from what quarter it might. In all probability, there would be a diminution in the amount of land sales for some time to come. The purchases of the last year, he supposed, had exceeded the demands of emigration. They were made by speculators for the purpose of holding up lands for increased prices. The spirit of speculation, indeed, seemed to be very much directed to the acquisition of the public lands. He could not say what would be the further progress, or where the end, of these things; but he thought one thing quite clear, and that was, that the existing surplus ought to be distributed.

He repeated, that he intended no detailed opposition to the measure now before the Senate; and had he been in his seat, he should not have opposed the amendment to the pension bill. Let the experiments, one and all, have their course. He should do nothing except to vote against all these visionary projects, until the country should become convinced that a sound currency, and with it a general security for property, and the earnings of honest labor, were things of too much importance to be sacrificed to mere projects, whether political or financial.

Mr. NILES said there were two subjects which were drawn into almost every debate, whatever the particular question may be before the Senate. The distribution of the proceeds of the public lands and the surplus revenue were topics which certain Senators, on almost all occasions, brought under consideration.

On a question recently before us, no way connected with that subject, the Senator from Kentucky [Mr. CLAY] favored the Senate with a speech in support of his land bill; and the resolution offered by the gentleman from Missouri [Mr. BENTON] has furnished an occasion for the speech we have just heard from the Senator from Massachusetts [Mr. WEBSTER] in relation to the surplus revenue, the state of the finances, the deposite banks, the Bank of the United States, and other matters.

We have been told by the honorable Senator that the present evils, which he represents to be very alarming, have all arisen from putting down the Bank of the United States, and changing the deposite of the public revenue from that bank to certain State banks. But he has not informed us how these evils have arisen from a cause which has no necessary tendency to produce such results. We have the naked, unsustained assertion of the gentleman, in strong and emphatic language, but we have no reasons or explanations.

He says he foresaw these alarming consequences at the time, when he raised his warning voice against the experiments about to be introduced in regard to the currency and the finances. He not only claims credit for his sagacity and wisdom, but for the gift of prophecy. Whatever claims the Senator may have for judgment and sagacity, I think his pretensions to be a prophet will hardly be admitted. What (said Mr. N.) were the Senator's predictions two years ago? Did he not then repeatedly, and with all that power of expression and emphatic manner which belongs to him, declare that the money pressure and distress which then prevailed, must continue, and would continue, until the public deposites were restored, and the Bank of the United States was rechartered? This was then asserted to be the only remedy for the existing evils, both in regard to private credit, the general interest of the country, and the condition of the national finances. It was then emphatically said that the interruption of the connexion between the Treasury and the Bank of the United States, the refusal to employ that institution as the fiscal agent of the Government, would derange the currency, impair public and private credit, and impoverish the Treasury; that the revenue would rapidly fall off, and that the finances of the country could not be managed without the aid of the United States Bank, as a fiscal agent. These were the predictions of the Senator, proclaimed with great confidence, and how have they been fulfilled?

Why, we are now told that our affairs are in a very alarming situation, and that the country is threatened with the most serious calamities; not from an exhausted treasury, as was then said, but from an overflowing one; from an excess in the revenue, unprecedented and alarming. From whence has the surplus in the treasury proceeded? Is it not the result of the activity of business, and the unexampled prosperity of the country? There has, no doubt, been an improper expansion given to the credit system; and, as a consequence of that, the spirit of over-trading and speculation has prevailed, which have contributed, in part, to the unprecedented increase of revenue. But what measures of this Government have produced these results? We are told it is all owing to the schemes and experiments of those who have directed public affairs. What schemes and experiments does the gentleman allude to? I know of none, I believe there have been none; the schemes and experiments have been on the other side. The administration has proposed no new schemes, has tried no experiments, but has rather sought to get rid of the schemes of others, who, by the questionable exercise of the powers of this Government, had created agents to manage its fiscal concerns. The administration has sought to return to the natural and ordinary course of things, and to disconnect the treasury with a powerful and dangerous moneyed corporation. They have preferred to employ such agents, so far as any are necessary, in the management of the finances, whether natural or artificial, as the country afforded, without creating them by the exercise of doubtful powers.

The present state of things is said to be unexampled; that, in the midst of apparent prosperity, when property of all descriptions is in demand, and prices at the highest point, there is an unprecedented pressure for money, and much distress in the commercial community. This is not a state of things so extraordinary as the Senator seems to suppose; the history of our country affords many examples of this kind. It is only necessary to go back to 1818, when it will be found that the condition of affairs was remarkably similar. Then property was in demand, and prices were high; yet the pressure for money was great, and the embarrassment and distress of the whole trading community was severe, and almost unexampled. This pressure and distress continued for three years, and the evil could only be corrected by that severe but necessary remedy, the long and distressing reaction which followed over-trading, over-banking, and ruinous speculation. Such were the causes which produced the distress at that time; and it is similar causes which have produced similar results at this time. And among the causes which occasioned the ruinous speculations, and gave such a dangerous expansion to credit, and the undue extension of all kinds of business, was the conduct of the Bank of the United States. That institution, which, we are now told, as the country has so often been heretofore, was a regulator of the currency, exerted the most pernicious agency in inflating the whole credit system. I have, said Mr. N., some facts in relation to this subject before me, which I had collected for a different purpose, to which I will beg to call the attention of the Senate. The bank, in its infancy, when but a small portion of its capital had been paid in, engendered a spirit of speculation, which it infused into the whole trading community. From July, 1817, to February, 1818, a period of about eight months, the bank increased its loans from four millions to forty-two millions; an increase of thirty-eight millions in eight months, and at a period when the currency and banking capital of the country were not one half what they are at this time. This was equal to a sudden expansion of credit, at the present period, of seventy or eighty millions. This was necessarily followed by a corresponding enlargement of discounts by the State banks. The consequence was, that money became plenty, and property appreciated in value. But this state of things could not continue; a reaction speedily followed, and the bank became an efficient agent in producing the reaction, as it had been in causing the expansion. To save itself, it was obliged to commence a rapid system of curtailment, and, in July, 1818, ordered the reduction of five millions of the line of its discounts; in October, two millions more; and by December, its loans to individuals had been reduced twelve millions. But, with these rapid reductions, the bank was scarcely able to save itself from destruction, and came very near being forced to suspend payment. This sudden expansion and contraction of the currency and of credit brought on the country a state of embarrassment and distress seldom equalled, and which continued for three years; thousands were ruined, and the whole community suffered severely. This was when the bank was in its infancy, before it had assumed a political character, and when a spirit of gain and speculation alone controlled its action. Such were the early and bitter fruits of this corporation, which, we are told, is necessary to regulate the currency, and give stability to public and private credit. Similar fluctuations have marked its course at subsequent periods.

Sir, (said Mr. N.,) the honorable Senator from Massachusetts [Mr. WEBSTER] informs us that, in every instance, the exercise of the veto has operated to swell the accumulating power of the Executive. He says the veto on the bill for rechartering the bank gave the President entire control over the public revenue; and that his veto of the land bill tended to the same result, as it prevented the distribution of the revenue, which has occasioned the present surplus, which the Executive now uses and controls. A declaration like this, (said Mr. N.,) coming from such a source—from the Senator who has assumed a sort of guardianship over the constitution—he heard with astonishment. How does the refusal of the President to approve of the act of Congress operate to augment his own power, and especially when the refusal is on the ground that the act is not within the constitutional competency of this Government? He should like to hear the honorable Senator, who is regarded by many as the great expounder of the constitution, explain this point. The Executive is a co-ordinate branch of this Government, and, in this respect, is on an equality with Congress. No power granted, or claimed to be granted, can be exercised without the concurrence of the legislative and executive departments of the Government. If either refuse to act, and deny or doubt the existence of the power, it appeared to him that the necessary result was the *non-user* of the power, and if the power is not exercised, or is denied to this Government, it of course remains among the reserved powers, and belongs to the States or the people. The action of Congress, by two thirds of both Houses, would be an exception to the general principle here laid down. It was a strange doctrine to him, that the denial of any power to this Government, by either of the three co-ordinate departments, would operate to transfer that power to either of the other branches of the Government. He had supposed that directly the contrary was the result; that the exercise of any power required the concurrence of the three co-ordinate branches, and that the denial by one destroyed the power, or at least prevented its exercise altogether, and left it among the reserved powers in the States, or in the people. It is not the *non-user*, but the exercise of doubtful powers by Congress, with the concurrence of the President, by which the sphere of executive action and authority is enlarged.

Sir, (said Mr. N.,) the Senator tells us that the veto of the land bill has occasioned the present surplus, and given the Executive the control over it. This may be true; but does it prove that the veto was wrongfully exercised? If that bill had passed, and the money had been distributed among the States, it is very clear that it would not now be in your treasury. But the great question then was, and is now pending before Congress, whether that was a constitutional, rightful, and proper disposition of the revenue of the United States—of the common fund of the people of the United States. The President thought it was not; and, as the representative of the people in one department of the Government, he exercised the power which the constitution had conferred upon him, in opposition to the will of a majority of both Houses of Congress. The President, as the Chief Executive Magistrate, and the representative of the people, exercised a power which they had conferred upon him, to check what he regarded as an unconstitutional and dangerous exercise of power on the part of this Government. He assumed a high responsibility, because he believed that the interests of the country required it; he opposed himself to the majority of both Houses of Congress; he looked beyond the representatives of the people here; he looked to the people themselves; he threw himself on public opinion, and was triumphantly sustained. He assumed, it is true, a fearful responsibility; for that law, more than any other that ever emanated from Congress, appealed directly to the interests, to all the passions calculated to warp and sway the judgment; upon its very face it was little short of a bribe to the people of all the States; but their integrity, good sense, and sound judgment, had hitherto stood firm, erect as a tower of strength, unseduced, uncorrupted; but how long they may be able to withstand the influences of such a measure remains to be known.

Sir, (said Mr. N.,) I have a great confidence in the people, and the longer I live, and the more I become acquainted with public affairs, the stronger does this confidence become, while my confidence in the agents they are obliged to employ to execute the public trusts is proportionally diminished. He spoke generally, without any reference to parties or individuals. The popular will, if we look to its source, will always be found honest and pure; but, like the stream flowing from a pure fountain, which becomes turbid in its course, the popular will, before it reaches the point to become consummated in action, is, in a greater or less degree, adulterated and corrupted. If the will of the people could be carried out; if they could speak for themselves from the plantations, farms, and workshops; if their voice could be heard and heeded in the halls of legislation, whether here or in the States, not only the Bank of the United States, which the Senator from Massachusetts seems still to regard as so essential to the public interests, but all the State banks, and all other corporations calculated to interrupt the natural diffusion of wealth, and to concentrate it in the hands of a few; all corporations, the object of which is to advance the general interests of society, through the special interests of a few, which confer power and wealth on the few as means of benefiting the whole, should be swept away as with the besom of destruction.

The distribution bill belongs to this class of measures; it proposes to divide among the States the funds which belong to the people of the Union, and which it is the duty of this Government to apply to constitutional and proper objects, beneficial to the whole country, within the sphere of our own action, and without stepping over those limits presented to us. If this surplus be dangerous and corrupting here, will it be less so in the States? If there be a scramble for it here, will there be less elsewhere? But he would not pursue this subject.

Mr. BENTON said he did not expect, when he offered this resolution, that it would give rise to any debate, and he had no intention now to prolong the discussion; he was too well satisfied with the declaration of the Senator from Massachusetts, that he would not oppose the resolution, to reply to some other observations he had made. He well remembered a proposition made by that gentleman, which was much stronger than the measure now contemplated, and which was hailed with approbation throughout every portion of the country. He was certainly too well satisfied with the declaration of the gentleman to make any reply to his remarks. All that he would now say would be comprehended in few words. He wished to get back to the currency spoken of in the act of 1789 for the Government—this was the constitutional currency for the Government. With that of the States he had nothing to do. All his movements (Mr. B. said) tended to this one point—to get back to a constitutional currency.

Mr. WEBSTER said the gentleman from Missouri had referred to the resolution of 1816; and he would beg leave to make a brief explanation in reference to the part he bore in it. The events of the war had greatly deranged the currency of the country, and a great pecuniary pressure was felt from one end of the continent to the other. The war took place in 1812, and not two months of it had passed before there was a cessation of specie payments by at least two thirds of all the banks of the country. So strong was the pressure, that although the enemy blockaked the Chesapeake, so that not a barrel of pork or flour could be sent to market, yet the prices of these articles rose fifty per cent. This state of things continued; the collectors of the customs every where received the notes of their own local banks for duties payable at their own places, but would not receive the bills of the banks of the other cities. And what was the consequence? Why, at the close of the session of Congress, a member, if he had been fortunate enough to preserve any of his pay, had to give twenty-five per cent. to get the money received here exchanged for money that he could carry home. Another effect of this state of the currency was this: The constitution provided that, in the regulation of commerce or revenue, no preference should be given to the ports of one State over those of another. Yet Baltimore, for instance, which had the exchange against her, had an advantage, by the payment of her duties in the bills of her banks, and had the advantage of at least twenty-five per cent. over some northern cities. The resolution then introduced by him was to provide that the revenue should be equally paid in all parts of the United States; and what was the effect of it? The bank bill had just passed, and the resolution was, that all debts due the Government should be paid in the legal coin, in notes of the Bank of the United States, or in notes of banks that paid coin on demand. That was the operation of the law of 1816, rendered absolutely necessary by the existing state of things.

The gentleman from Connecticut inquired whether the omission to use the powers of Congress necessarily increased that of the Executive? He would put a poser to the gentleman. The President himself admitted that it was the appropriate duty of Congress to take the public treasure into its hands, and appoint agents to take care of it. The gentleman himself must admit this; for he supposed that he did not go the lengths of the Senator from Tennessee in being willing that things should remain as they were. Then, if it was their duty to take care of the national treasure, and they did not do it, it would go into the hands of the Executive. Was not the custody of the national treasure power? and if they neglected to use this power, did they not augment the power of the Executive?

Nothing could be more appropriate for a historian than to review the doctrines which had been advanced with regard to executive power, and the means by which it was sought to increase it. The President himself first advanced the doctrine, and it had been repeated there, that the President of the United States was the sole representative of the people of the United States. Did the constitution make him so? Did the constitution acknowledge any other representative of the people than the members of the other House? But it had been found extremely convenient to those who wished to increase the President's power to give him this title. This claim of the President reminded him of a remark he heard made many years ago by a member of the House of Representatives. That gentleman had voted against the first Bank of the United States, and had changed his mind, and was about to vote for the second. If, said the gentleman, the people have given us the power to make a bank, we can do it; and if they have not, we are the representatives of the people, and can take the power. And this was the doctrine applied to the President as the peculiar representative of the people. The constitution gave him a modicum of power, and he, claiming the lion's part, took all the rest. This was the result of that overwhelming personal popularity which led men to disregard all the ancient maxims of the founders of this Government, and to yield up all power into the hands of one man. They could not now even quote the doctrines of Mr. Jefferson without being scouted, and they could not resist any power claimed by the Executive, however arbitrary, but must yield up every thing to him by one universal confidence, because he was the representative of the people.

Mr. NILES said, in reply to the Senator from Massachusetts, [Mr. WEBSTER,] that in one particular, and one only, the refusal to recharter the Bank of the United States, and the withdrawal of the deposites from that institution, had increased the power of the Executive over the revenue. The Secretary of the Treasury, or the President, if the gentleman pleases so to have it, had the selecting of the banks in which the public revenues were deposited. But, in all other respects, his authority over the revenue was the same as before; and in this particular is the same as it was before the incorporation of the Bank of the United States. It was only a provision in the charter of a private corporation which controlled the action of the Secretary, and that charter had now expired. But if there had been no law to regulate and direct the Secretary in the discharge of his duty in relation to the revenue, he did not know that it was the fault of the President. To show that he had assumed power in this matter, it must be shown that he had vetoed a law regulating the deposites, or opposed the action of Congress. But (said Mr. N.) the honorable Senator seems to ridicule the idea that the President is the representative of the people. Perhaps, in a limited sense of the expression, he is not strictly correct, as, in that sense of the term, it means a member of a legislative body; but in a more general sense, and in the way he (Mr. N.) had used the expression, it was strictly correct to call the President the representative of the people. He was the Chief Executive Magistrate, chosen directly by the people; for the electoral body was, in practice, only useless machinery. The President was chosen by the people to execute the executive powers of the Government; his appointment was a popular one, and he was the representative of the people to execute those powers of the Government which the constitution confided to him. He was the representative of the people for certain purposes as much as the members of Congress were for other purposes.

The Senator says that the Executive, as President of the United States, exercises those powers conferred on him by the constitution; and as the representative of the people, he exercises such powers as he sees fit, on his assumed powers. This observation was entirely gratuitous, and not authorized by any thing he (Mr. N.) had said. In speaking of the President as the representative of the people, he did not use the term in reference to his powers, but solely in reference to his responsibility, to his relation to the people, as a popular officer. Whether he was regarded rightfully and properly as the representative of the people or not, would neither enlarge nor diminish his powers; for, if it was correct, as he (Mr. N.) believed it to be, to regard the President as the representative of the people, he was their representative, under the constitution, clothed with the authority which that conferred upon him; it was for that purpose that the people elected him, and in that sense he was their representative.

Mr. **WEBSTER** remarked that it was the best course when a gentleman replied to another, to use his very words as far as his recollection permitted him. He had noticed, on other occasions, that the Senator from Connecticut gave his own language as that of the gentleman he was replying to, put his own construction upon it, and then replied to this man of straw. He hoped that the gentleman would, when he quoted him in future, use his exact language, and not put into his mouth words that he did not use. The gentleman, in speaking of the President, used the term representative of the People, precisely in the meaning of the term as applied to a member of the House of Representatives. Now, it was impossible to believe in any idea of power pertaining to the President in this character. But he would remind the Senator that the President himself, in more than one communication, had claimed this character and power. It would be found in the protest that he is the only single representative of the people. Sir, (said Mr. W.,) this is the very essence of consolidation, and in the worst of hands. Do we not all know (said he) that the people have not one representative? Do we not know that the States are divided into congressional districts, each of which elects a representative, and that the States themselves are represented by two members on that floor? Do we not all know that it was carefully avoided by the framers of the constitution to give him any such power at all? He admitted that the President, in reference to his popularity merely, was called, with great propriety, the representative of the people; but, in other respects, he was no more so than was the President of the old Congress. There was another false doctrine that was worth noticing, and that was, that every thing which had been done by the President had been approved of by the people, because they re-elected him.

Mr. **EWING**, of Ohio, said: I cannot forbear to say something in reply, not merely to remarks made here this day, but to others of some days past, which have been permitted thus far to go unanswered. The Senator from Pennsylvania, near me, while speaking on another subject, said "that a foreigner, who should have heard us in 1834, and should hear us now, would think us the strangest people on earth; that then we were predicting bankruptcy to the treasury; now we were complaining that this same treasury is full to overflowing;" and similar ideas have been thrown out to-day, in this debate, charging the former majority, now the minority in this body, with this inconsistency. Now, sir, a word on that subject.

For one, I am conscious that I did not, in 1834, or at any other time, utter a prediction that our finances would be deficient, or our treasury, if we have any, empty. I am much mistaken if I ever uttered such an opinion. That great derangement in our finances would be the result of the violent and unwarranted measures of the Executive, and that heavy losses to the treasury would ensue, was what I did apprehend, and no one will now contend that that apprehension was groundless. Such, too, I believe, was the general opinion on this side of the Senate at that time; and some gentleman may have gone further, and spoken of a deficient treasury; but I recollect no such thing, and I am well aware that such was not the general opinion of the party with whom I acted. The yearly receipts into the treasury from all sources, for two or three years prior to the time of the discussion, had been more than thirty millions—the wants of the Government did not, in our estimation, exceed half that sum; we therefore did not (at least I did not,) after reflecting on the subject fully, suppose that any tampering with the finances and the business of the country, whatever private distres it might occasion, would leave the treasury without a sum large enough, and too large, for all the legitimate purposes to which it would be applied. The gentlemen who made this charge happen not to have been members of this body at that time; and I agree with the Senator from Pennsylvania, that a foreigner who should have got his opinion of us by reading the Globe, would think us the strangest and most inconsistent people on earth.

What we did predict was this: that, in consequence of the violent and illegal attack of the Executive upon the Bank of the United States, that Bank would be compelled to call in its debts, and contract its issues. That these defensive measures must be taken, and that they must be persevered in so long as the Executive continued to wage his war against the bank. We predicted that this attack and defence would cause great pecuniary pressure, and much individual distress. We predicted, also, that the extension of banking capital, or rather "the chartering of a host of new banks, with little or no increase of actual capital," would be resorted to as a remedy for the evil; that this would give rise to an expansion of the paper currency; that this currency would become unsound, and unequal in value at different points; that the price of exchange would become high, and commercial transactions difficult; and those of us who looked to the worst predicted a final crash among the banks, and a return of the scenes which we witnessed from 1818 to 1822.

These were, in fact, our predictions. Let any man who has eyes to see, and candor to acknowledge what forces itself upon his vision, say how much of this has been realized, and how much is in progress towards fulfilment. The pressure in 1834 every body felt, every body understood; the only question contested was, whether that pressure owed its origin to the blow of the assailant, or the struggles of the victim; but the cause is immaterial; it was foretold by us when the blow was struck, and it is conceded that the consequence followed. The "host of local banks," with but little actual increase of the capital of the country, has followed in its due order. Since June, 1834, the nominal banking capital in the United States has increased more than $100,000,000; the actual capital I know not how much, probably not ten millions; and the price of exchange has risen, even beyond the fears of those who feared the worst; and as to our currency, it is admitted on all sides to be in a state of extreme derangement. The Senator from Missouri the other day very justly observed that our receipts for public lands were not of money, but of rags, almost valueless; and we all know why it is so. The deposite banks loan their bills to speculators, who pay it into the land offices, from which it is paid again into the deposite banks, and thus perform the round of purchaser without the actual accumulation of one dollar of available funds. It is but trash, and any man will feel it, and know it, if he look upon the statement of those banks, as laid on our tables a few weeks since. With more than thirty-two millions of the public money in their possession, with private deposites to the amount of ten or twelve millions more, with a circulation of twenty-five millions, they have about twelve or fifteen millions of actual cash means ready at any time to meet it; not more than one dollar to every six of their debts.

The last catastrophe, the final crush of these banks, it is still in the power of Congress to avert. If the public funds be drawn gradually, but constantly, from its unsafe depositories, and divided among the States, though a part of the money may be for many years, perhaps for ever, unavailable, yet we may save the country from the calamity which now threatens her. On this subject, the gentlemen who brought the mischief upon us, and who are still urging it to its consummation, advise us to be silent, to speak in whispers, lest a disclosure of the true situation of things should bring about the crisis. They caution us not to arouse the sleep-walker, whom they have led to and left upon the brink of the cliff, lest, when his eyes are opened, his head reel, and he topple into the abyss below.

A word as to this resolution. I see its full bearing and effect, or I think I see it, but I am not prepared to vote for or against it, for I do not yet know precisely the situation in which the western banks and the western currency are placed. I presented to the Senate, several days ago, a circular of the Clinton Bank in Columbus, one of the three deposite banks in Ohio, claiming to themselves, in fact exercising, a portion of the legislative power of Congress, requiring the other banks of the State, on pain of the discredit of their notes, to pay a price for permitting them to be received in payment for public lands; and on my motion you sent a resolution to the Secretary of the Treasury, inquiring of him whether he had vested this power in any of the deposite banks. To this we have as yet received no answer; and, until that answer come, I am not prepared to vote on this resolution. If that answer tell us that the people of the West are subject and are to continue subject to this miserable petty tyranny, and that all their financial operations are to be placed under such control, I will resort to almost any measure, however dangerous, to rescue them from such degrading and vexatious imposition. I hope the resolution will lie over until the Secretary's answer is received.

Mr. CALHOUN observed that he should be very much governed in the vote he should give on this occasion by the opinions of gentlemen coming from the new States, where the public lands were. He saw a great many advantages that would result from the measure, and particularly in the check it would give to that spirit of speculation by which bank rags were given in exchange for the valuable public domain. If the gentlemen coming from the West were of opinion that the measure would not affect the settlement and prosperity of the new States, he would cheerfully give it his support.

Mr. KING, of Alabama, said he did not intend to enter into the discussion of this question, and would only remark that gentlemen seemed to have travelled out of their way to discuss questions long since gone by, either to show that distress and ruin had not taken place, or that it had resulted from certain causes which were apparent to them. Now, these questions were not to be settled there, but were to be settled by the people of the United States. Whether the vetoes of the President had, as alleged by the gentleman from Massachusetts, caused the derangement of the currency, was a question which the people could decide as well, and probably better than gentlemen on that floor. With regard to the superabundance of the Treasury, they all knew that it would not have occurred had the land bill passed; but the question was, whether the evils resulting from the land bill would not have been greater than those now existing? He was not, however, prepared at this time to say to the Senator from South Carolina whether the adoption of the measure before them would or would not injuriously affect the new States. He did not believe it would have the effect to prevent speculation, though it might affect many of the cultivators who purchased in small quantities. This, however, was an important measure; and they ought to be in possession of the fullest information before they acted on it. His desire was that it might be inquired into by one of the committees of that body; and if, after investigation, it should be found that the measure would be productive of the benefits that had been predicted, why, it would be proper to adopt it. If, on the contrary, it should be found that it would produce embarrassment to the bonafide purchasers, it would be rejected.

Mr. K. then submitted the following amendment:

Strike out all after "*Resolved,*" and insert, "that the Committee on Finance be instructed to inquire into the expediency of prohibiting the receipt, in payment for public lands, of any thing but gold and silver, after the —— day of ——;" thus changing the character of the resolution from that of an order to bring in a bill to one of mere inquiry as to the expediency of doing so.

Mr. SHEPLEY said it was with extreme reluctance that he said a word at that time. He had imposed silence upon himself upon personal considerations; but he could not permit the remarks of the Senator from Ohio [Mr. EWING] to pass without notice, lest his silence might be supposed to admit their accuracy. I do think (said Mr. S.) that he is greatly in error if he supposes that the prediction was not made that the Treasury would be unable to meet the just demands upon it. I cannot mistake the import of the expressions which I heard two years since upon this floor. They were too deeply interesting; they were too forcibly impressed upon my mind to allow me to do so. I do not profess to use the language, but only to convey the idea, then so frequently and emphatically exhibited, that we were to have an empty Treasury. The Senator from Massachusetts [Mr. WEBSTER] imputes the evils of the currency, and the fluctuations and speculations in business, to the refusal to renew the charter of the Bank of the United States. Sir, (said Mr. S.,) I allege that these evils have been occasioned by the action of that very bank, or at least have been greatly aggravated by it. We need only recur to the history of the last five or fourteen years to be satisfied of it.

In 1831 the loans of the bank to the people were, if he recollected rightly, about forty-two millions. The next year they were raised to seventy millions. In 1834 they had become reduced again to nearly forty millions; and in 1835 they were again very high; and this year reduced again. This was but the brief history of its operations for five years. It had been producing fluctuations in the money market, uncertainty in prices, and an insecurity in property, during the whole of that short period. The direct tendency of such a course was subversive of honest industry, of regular business, and breaking up all calculation for future action. No dependence could be placed upon any state of things, present or past; for a new change is hastened on to break up all of regularity that might otherwise have been looked for. It was to these excesses of expansion and depression of its loans, four times in five years, to the amount of many millions at each time, that he charged the evils which they had experienced. These were the fruits, the blessed fruits, of a national bank. This, the practical benefit of that mighty institution which was to regulate the currency and business operations of the country, and to pour out blessings upon the people. Sir, (said Mr. S.,) I do not believe there has existed a country upon the face of the earth where the fluctuations in the moneyed system have been as great, and the changes as sudden, for any term of twenty years, as they have been in this country during the twenty years' time that the charter of that bank has existed. The State banks might have contributed their share. He was no apologist for those which had done so. When the United States Bank increased its loans by millions upon millions, they had naturally pursued the same course of increase; but, compared with the United States Bank, their excesses had been small; and he had never yet noticed a State bank that had increased and decreased its loans in the proportion of fifty per cent. to that of the United States Bank. The United States Bank had been the mischief-maker, instead of the regulator, in the moneyed concerns of the country. It had been the instrument for putting property up, and for putting it down, at pleasure. It could change the relation of debtor and creditor, so that the creditor might not obtain more than half his debt; or the debtor might be compelled to pay double, by the great changes occasioned in the prices of property.

He was no more for schemes or projects than the Senator from Massachusetts. He was for adhering to practical experience; and the experience which they had had taught them, that they should no more trust the destinies of their country to the machinations, the fluctuations, the fictitious prosperity, and the fictitious adversity, occasioned by the United States Bank. The Senator, two years ago, when the bank was calling in its loans at the rate of from one to three millions a month, justified that course, and regarded it as the necessary and proper duty of the bank to continue to call in its loans until the end of its charter. He took occasion then to express the opinion that there was no necessity for it, and that it was done "designedly, unnecessarily, to compel obedience to the bank." And what was the result? Soon after the adjournment of Congress, the bank, instead of following the course alleged to be necessary, extended its loans, and continued to extend them, until the millions which it had called in were thrown out again. And now complaint was made against the State banks that they had done a little of what that bank had done much.

If the measure now before them could be adopted without injury to the new States in the West, he was disposed to vote for it; but upon that subject he was not sufficiently advised at the time to form an opinion. It might do something towards protecting us from those great and sudden changes in our moneyed concerns which had marked their history for the last five years.

Mr. MANGUM rose, not for the purpose of prolonging the discussion, but to suggest to the Senator from Alabama the expediency of referring the resolution to a select committee, instead of the Committee on Finance. This measure contemplated an important change in the currency of the country, and he preferred that it should be left in the charge of its friends, who better understood it. He was perfectly ready to vote for it, if it came recommended by the gentlemen from the new States; and he was willing to do so, because he looked upon it to be a remedy against speculations in the public lands, and because it might possibly bring about a sounder state in the circulating medium. He thought the present debate an unprofitable one. All this bandying of reproaches tended to no good; they had better set about applying some remedy to the evils which all acknowledged to exist, than to waste time in criminating each other. He had taken no part in this unprofitable discussion, because his opinions were so primitive that he almost feared to express them, lest they should be scouted at. They might be chimeras; but he believed that all these wealthy corporate institutions were inimical to a spirit of liberty, which he preferred to all the wealth and splendor of the great cities. Banks, railroads, stock companies of every description, might be useful; but he was opposed to them all, because, in his opinion, they were inconsistent with the true spirit of liberty. He repeated that he would give this measure his hearty support if, in the opinion of the western gentlemen, it would not retard the settlement and prosperity of the new States.

Mr. CALHOUN agreed with the Senator from North Carolina as to the appointment of a select committee, and hoped that it would be appointed by the Chair, selecting a majority from the new States.

In reply to the Senator from Connecticut, he would observe that, during the time of the pecuniary pressure, he said nothing, because he believed that it would be temporary. He never did doubt that the removal of the deposites would produce the greatest distress, and the most disastrous consequences; but he always did believe that there would be an excess in the Treasury. We make great mistakes in supposing that certain events do not follow their causes, because they do not come at once. In the ordinary course of Providence, causes and their consequences are frequently remote; but this was no reason for neglecting the caution, that the one necessarily followed the other.

The great distress that pervaded the country, the changes of property, and the derangement of the currency—all these were seen and predicted; and the present majority were justly chargeable with them. He never had any thing to do with the Bank of the United States, though he opposed the removal of the deposites, as leading to a ruinous derangement of the currency by the unlimited use of State bank paper. Since that measure, one hundred millions had been added to the currency by these banks, which would not have been the case had there been a Bank of the United States to control them. As to the superabundance of the Treasury, he had always foreseen it. Ever since the fatal tariff of 1828, he foresaw the evil, and his subsequent course, which had brought on him so much opprobrium, (he alluded to the proceedings of South Carolina in opposition to the tariff,) was dictated by the knowledge that this tariff would produce an overwhelming accumulation of money in the Treasury, which ought never to be there. There was a deep responsibility on those who had caused these evils. But let us, said, he, not look to the past, but to the future. Let us apply what remedies are in our power; and, above all, let us endeavor to prevent this noble domain, the public lands, from passing out of our hands into those of speculators, in exchange for worthless bank rags. His only desire was that the measure under consideration should be approved of by the western gentlemen, and, if it was so, he should give it his hearty support.

Mr. PORTER said he could not agree in opinion with the honorable Senator from North Carolina. He was unwilling the party should have their full swing on the currency; certainly, it would be no more than practical justice they should, if they were to be the only sufferers. But the country would be the principal victim. It was said by the greatest of English statesmen, (Lord Chatham,) that public credit was like the sensitive plant—touch it, and it dies; that public credit mainly rested on a sound and unfluctuating currency. The tendency of the resolution moved by the Senator from Missouri was to produce a great and sudden change in it. He (Mr. P.) thought that such an alteration, in these times of inordinate expansion, would produce a fatal shock on the whole commerce and trade of the republic. He believed its influence would not be alone confined to the western States; it would extend over the whole Union; and he therefore saw no reason for selecting the committee solely from western members. The amount of the sales of public land last year was fifteen millions; the whole specie in the country forty-five millions. This specie, as we all know, was, or ought to be, the great basis on which banks discounted and made issue of paper. To subtract such a sum from their vaults, deposite it in land offices, or keep it *in transitu* between the several points where it might be required for Government uses, must necessarily produce an immense contraction in discounts, of a sum not less than thirty millions. Such a change, at this moment, would be absolutely fatal to public credit, and must prove ruinous to the community.

Mr. P. observed that it had been said it was improper to make the subject of our currency the subject of conversation and debate here, as the discussion only tended to bring on the evil which all wished to avoid. He did not, however, think so. It was here that, if there was any prospect of the mischief correcting itself, it would be better to look quietly at its workings, and await the return of sober and correct action by the State banks. But the history of the past, and a slight knowledge of the strong principle of self-interest, which was ever active, and often blind, forbade any such hope. Nothing could avert the evil but a wide-spread conviction of the dangers which awaited us. The public mind ought to be instructed of the present state of things, and their tendency. The mass of the community were sound in their principles on this as on all other questions; and it was our duty to warn them against the delusive schemes and wild projects by which the cunning and the speculating part of society were striving to convert the fruits of the labors of the industrious portion of it into their unclean pockets. Mr. P. said he almost despaired of a correction of the evil, yet he still hoped for its alleviation. If the State banks would only look at their permanent interest, instead of immediate advantage; and would act on the principle that they must finally be the victims of an excessive issue of their notes, and consequent total derangement of the money circulation of the country, things might return to a much better state than they are now in; though nothing like security could, he admitted, be found, unless in a system which enabled the federal Government to regulate a machine which had a constant tendency towards derangement.

Reference (said Mr. P.) had been made in debate to the situation of our currency previous to the expiration of the charter of the late United States Bank. The contrast was most humiliating; but gentlemen on the other side need not expect that it would not be frequently presented to their contemplation. With our impressions, we should be faithless to our trust if we did not, on all proper occasions, place it before the eye of the American people. The cause of our present evils, and the proper remedy for them, are best found in the contemplation of the past. There could not be a doubt that if the United States Bank had been rechartered, we should be in a far different and better situation than we are now placed in. It was with great surprise (Mr. P. said) that he had heard the Senator from Maine charge on the bank that it had been the means of deranging our currency during the whole time it was in existence: nay, more, that it was to it we now owed its unsettled condition. He wished the Senator had given us his data for these assertions: he should have preferred facts to declamation on a question of this kind. Mr. P. said that the knowledge he possessed of the conduct of that institution had led him to a totally different conclusion. The Senator had said that, for the first four years after its establishment, it had totally failed to regulate the circulating medium of the country. Nothing was more true. It was created at a time when that medium was entirely unsound; and it could not be restored in a day or week. It is the work of years to restore a healthy action to a depraved currency: all hasty and great changes only increase the evil. Under any management, therefore, the institution could not have accomplished such a great object at once. He, (Mr. P.,) however, believed that the affairs of the bank were not wisely conducted on its first organization. The fatal spirit of speculation which had seized the whole community at the close of the late war, had full possession of the minds of that portion of it which were first selected to administer the bank, and the pernicious effects of their wildness were early seen in a derangement of its concerns, and a depreciation of the value of its stock. It soon, however, righted itself, and justified public expectation. Institutions of this kind, from their immense capital, are always able to command the highest talents and purest virtue for the administration of their concerns. The bank called them to its service; and from the period Mr. Cheves was placed at its head to the close of its affairs under the direction of Mr. Biddle, it fully and faithfully accomplished the purposes of its creation. Without referring to detailed statements to sustain the assertion, Mr. P. said he would first bring under the notice of the Senate the state of our currency at two periods--the one immediately after the bank began to exercise its wholesome authority over State emissions, the other at the period when it was assailed by the Executive in 1820 and 1830. At the first mentioned epoch, according to the account laid on our tables this year by the Secretary of the Treasury, the circulation of the United States was $44,863,344; at the last mentioned, $61,323,898, showing merely an increase of between sixteen and seventeen millions in ten years; an increase which every one must admit was but justly proportioned by the increase of our wealth and population during this space of time. I doubt (said Mr. P.) if the history of the world can show any thing which more strikingly illustrates sound management than this; and the recollections we all have of the steady and progressive improvement of the country during the period just stated, its absence from all sudden changes, prove triumphantly how well the system worked.

Since the year 1830, however, our circulation has doubled. The Senator from Maine says this increase is due to it, and to it alone; at one time increasing its discounts, and at another time reducing them; and now the distress is owing to its contractions. If, said Mr. P., the bank is now calling in and husbanding its resources, as the Senator states, while, at the same time, the circulating medium is increasing, it is not easy to see how his conclusion follows the premises he professes to base it on. I believe, however, (said Mr. P.,) that all the changes made by the bank during the four years' war waged against it were only such as were forced on it by the wild and furious attacks constantly made on the institution, and the uncertainty which they naturally produced in all financial operations.

One word, Mr. P. said, before he concluded, in relation to the hard-money currency which the Senator from Missouri was laboring to introduce. He (Mr. P.) did not believe it was possible to introduce it; and if we could be brought back to it, he doubted its utility. It could not be disguised that the system, though the safest, was not that best adapted to the wants of a commercial people. The two most eminently commercial of all nations, England and the United States, had used, as a means for becoming so, a paper circulation. Gold and silver currency necessarily wanted the capacity of extension, which was almost indispensable, to meet the fluctuations to which commerce was inevitably subject; and they could not be expanded to supply the wants of a country which, every twenty-five years, was doubling its population, and more than quadrupling its wealth. We should find, it was true, in a gold and silver currency, a complete exemption from the evils to which paper circulation was subject; but we would lose by it the immense advantages which that circulation conferred; the energy it imparted; the enterprise it fostered and sustained. To it, even in its unhealthy and ill-regulated action, Mr. P. firmly believed, we are in a great measure indebted for an unmatched progress in private wealth and public improvements of all kinds, during the last half century. He thought a well-regulated paper currency the best adapted to the condition of this growing country. Experience had shown us we could regulate it; and he trusted he would live to see the day when it would be again well regulated. The habits of our citizens being now accustomed to it, he believed it would be almost impossible to change them. And if we could change them, that change could not be brought about by laws making gold and silver only a tender in the fiscal transactions of the general Government, because the still greater amount of private commerce would continue to be carried on in paper, and the State banks had a constant interest to take up the specie, and substitute their paper in its place. He was willing, however, the subject should receive consideration, provided the opinion of Congress could be at once obtained on it. He believed that every member of this body had his opinion on this subject made up, and was prepared to vote on it.

On motion of Mr. MOORE,

The Senate then adjourned.

Monday, April 25.

SLAVERY IN ARKANSAS.

Mr. BUCHANAN presented a petition from the Society of Friends in Philadelphia; on the presentation of which he addressed the Senate to the following effect:

Mr. B. said he rose to present the memorial of the yearly meeting of the religious Society of Friends, which had been recently held in the city of Philadelphia, remonstrating against the admission of Arkansas into the Union, whilst a provision remained in her constitution which admits of and may perpetuate slavery. This yearly meeting embraced within its jurisdiction the greater part of Pennsylvania and New Jersey, the whole of the State of Delaware, and the Eastern Shore of Maryland. The language of this memorial was perfectly respectful. Indeed, it could not be otherwise, considering the source from which it emanated. It breathed throughout the pure and Christian spirit which had always animated the Society of Friends; and although he did not concur with them in opinion, their memorial was entitled to be received with great respect.

When the highly respectable committee which had chargeof this memorial called upon him this morning, and requested him to present it to the Senate, he had felt it to be his duty to inform them in what relation he stood to the question. He stated to them that he had been requested by the Delegate from Arkansas to take charge of the application of that Territory to be admitted into the Union, and that he had cheerfully taken upon himself the performance of this duty. He also read to them the 8th section of the act of Congress of 6th March, 1820, containing the famous Missouri compromise; and informed them that the whole Territory of Arkansas was south of the parallel of 36 degrees and a half of north latitude; and that he regarded this compromise, considering the exciting and alarming circumstances under which it was made, and the dangers to the existence of the Union which it had removed, to be almost as sacred as a constitutional provision. That there might be no mistake on the subject, he had also informed them that, in presenting their memorial, he should feel it to be his duty to state these facts to the Senate. With this course on his part they were satisfied, and still continued their request that he might present the memorial. He now did so with great pleasure. He hoped it might be received by the Senate with all the respect it so highly deserved. He asked that it might be read; and as the question of the admission of Arkansas was no longer before us, he moved that it might be laid upon the table.

The memorial was accordingly read, and was ordered to be laid upon the table.

NAVY BILL.

The Senate proceeded to the consideration of the bill making appropriations for the support of the navy for the year 1836; and the amendments reported by the Committee on Naval Affairs being read,

Mr. WHITE said he would be glad if some member of the committee would explain the objects of these amendments, and why so large an increase of the appropriations made by the House was deemed necessary by them.

[The amendments increased the appropriations of the House nearly two millions of dollars.]

Mr. SOUTHARD explained that the increase of the appropriations, particularly the largest increase, (five hundred and seventy thousand one hundred and sixty dollars,) was for keeping a greater number of vessels afloat than was recommended by the Executive at the commencement of the session, thereby incurring a great additional expense for the pay and subsistence of the officers and seamen. The increase of this item of expenditure had been recommended in a communication received from the Navy Department, since the receipt of the President's message at the opening of the session. It was also contemplated by the committee to employ four steam vessels for the defence of the coasts, and to fit up three of the ships of the line, to be used as receiving ships at each of the three navy yards, at Boston, New York, and Norfolk; but so far completed as to be in a situation to be fitted for sea at a very short notice, should the defence of the country require it. The other increased appropriations were for dry docks, completing a steam vessel, a navy hospital, and a powder magazine at Boston and New York, and for the purchase of sites and the erection of barracks at Brooklyn, Gosport, and Pensacola, not provided for by the House of Representatives.

Mr. HILL said the amendments proposed by the Committee on Naval Affairs in the Senate provided for an addition to the bill as it had passed the House of nearly two millions of dollars. It added simply to the pay of officers and seamen of the navy, more than half a million. He was unable to divine why this great addition to the navy expenditures was now to be made. When the bill was first taken up by the House of Representatives, our foreign affairs, in a highly critical State, seemed to require an increased expenditure, and the bill had passed the House, making considerable increase. Yet this was not enough. The chairman of the Naval Committee, [Mr. Southard,] who a few days ago made a speech in favor of distributing among the several States twenty-seven millions of dollars, now recommends an addition of other millions to the naval appropriation. How gentlemen can vote for these extravagant, these uncalled-for appropriations, at the same time they vote to distribute the surplus, he (Mr. H.) would not attempt to explain. He was anxious to see who of this body were in favor of these appropriations; he wished the ayes and noes to be placed on the journal on the principal amendments proposed by the Naval Committee. It was indeed extraordinary that the Executive should now recommend these increased expenditures over and above what was recommended by the Executive three months ago, when the estimates were sent from the Department to the committee of the House of Representatives. If the Executive shall be thus unsteady and wavering in its recommendations, its wishes would not be much regarded in any vote he (Mr. H.) should give.

[Mr. Southard having explained that the estimates differing from those of the House resulted from a changed view of the importance of the navy, and said they were derived from the commissioners of the navy—]

Mr. HILL continued: He would not regard communications coming from a subordinate bureau of any Department, as executive recommendations; he could not, knowing their sentiments in relation to the Chief Magistrate, take the recommendations of the navy commissioners as his guide.

The hour of one o'clock having arrived, Mr. CALHOUN moved to lay the bill on the table, for the purpose of taking up the special order; which motion was agreed to: Ayes 16, noes 11.

LAND BILL.

The bill to distribute the nett proceeds of the sales of the public lands among the States, and for granting lands to certain States, was then taken up as the special order of the day; when

Mr. WHITE said the circumstances with which we were now surrounded were not only novel, but were different from those of former times when a debt was due by the nation, and no money in the Treasury beyond the sum necessary to meet the ordinary expenses of the Government. Now the nation owed not one cent, and the Treasury was full to overflowing. In this state of things, after satisfying every ordinary demand on the Government, every man supposed a surplus would be left. For the distribution of this surplus, various projects had been offered, and this among the rest. He had compared this one with each of the others, with a view to make a selection of that one which he conceived most advantageous to the country. The question arose, has Congress the power to make this distribution? If it had not, then the inquiry into the expediency or policy was useless. Some years ago it was foreseen that there would be a surplus; and, if he was not mistaken, the President had made a communication in relation to it. The Secretary of the Navy, (Mr. Dickerson,) when in Congress, had made a report on the subject in 1825-'26, from which he read extracts to show the great advantages he (Mr. D.) thought would result from an equitable distribution of the revenue for purposes of education and internal improvements, which report, Mr. W. said, was not confined to the revenue from one source or another, but embraced the whole revenue, and that it even recommended a distribution of a portion of the revenue in anticipation of the gradual extinguishment of the national debt; and asserted that it would relieve Congress from a great source of unnecessary legislation. When the present Chief Magistrate came into power, so far as he knew in the section of country in which he lived, it found very considerable favor among the mass of the people. He quoted the recommendation of the President to distribute the surplus revenue in a ratio of representation among the States, and that, if there were any constitutional doubts, to apply to the legitimate source, the States, for their removal. He cited the report of the Secretary of the Treasury (Mr. McLane) in 1831, in favor of the constitutional power of Congress over the revenue from public lands, to appropriate them to the purposes of education and internal improvement. No distinction was observed in the message of the President. But the Secretary of the Treasury saw difficulties ahead, and seized upon it, and suggested how it should be met by purchase by the United States. He believed the doctrines of the Chief Magistrate were correct. They were not called on to decide the question whether revenue arising out of all sources was constitutionally subject to a general distribution. Had they not the power, he asked, to correct the mistakes of the Government in collecting the revenues? Suppose, said he, you estimate fifteen millions as the amount necessary for the expenses of Government, and when you come to collect it, it amounts to seventeen millions, must you let those two millions be locked up for ever? Or have you the power to correct the mistake by returning the excess to the people from whom it comes? In cases where the Government took from an individual more money than was due from him, where, he asked, did they get the power to refund? They had the power to assess and collect taxes, and to pay him out of it. It would be thought strange if one man, in settling with another, should not have the power to correct mistakes; and why should not the Government have the same power as individuals. He agreed with the President, that where a doubt of the power existed it ought not to be exercised. But the question is, said he, whose money is it you have got in your Treasury? You don't know who you received it from, and therefore cannot return it to its proper owners. All the public lands were acquired either by deeds of cession or by purchase. The deed of cession from Virginia in 1784 contained an express provision that these funds were to be applied for the benefit of all the States in the Union, or that should thereafter be admitted.

But it was said this deed was made before the new confederation, and before which each State contributed its proportion to the support of the Government. Suppose, said he, that form of Government had continued, and the national debt had been paid off, and it had acquired a surplus, as it has now. In that case, he asked, what became of the question, what shall be done with the surplus revenue? They could dispose of it only by distributing it on the same principle by which it was paid in. If they were obliged to appropriate, as other appropriations, that was another matter, in which the question of distribution was not involved.

It had been objected that, in making a distribution among all the States, they would include the grantor as well as the other States. If his views were correct, they would not only have the right to make appropriations as trustees, but it was their bounden duty, under the old confederation, to return the excess to the States. He cited a clause in the sixth article of the constitution to show that a change of Government was not intended to change the relative rights of any of the States, but that they stood in the same situation as before; and also cited authorities to show that Congress had clearly the power over the fund arising from the public lands. Although they had a general power to collect taxes, yet that power was necessarily limited to the objects for which it was given. If, by giving a section of land along a line of canal, it would increase the value of the rest, nobody would doubt the power of Congress to do so.

But it was said that Louisiana and Florida were purchased. How were the lands in these new States acquired? By the avails of the public lands, which enabled the Government to purchase more lands; and these newly acquired lands in Louisiana and Florida would be decreed in a court of chancery to be held, as the other lands were held, in trust by the Government. With this view of the subject, his mind was clearly settled down that Congress had the power to distribute the surplus revenue from the public lands. But it was said that, after all the appropriations were made, there would be only four or five hundred thousand dollars to dispose of. In settling this question, he doubted the propriety of going

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